

By Mr. LOUD: Petition of citizens of Montmorency County, Mich., against the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. JENKINS: Petition of citizens of Burnett County, Wis., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. KAHN: Petition of Asiatic Exclusion League of North America for legislation to effectively exclude all Asiatics—to the Committee on Foreign Affairs.

By Mr. KÜSTERMANN: Petition of Charles O. Bear Camp, No. 3, Department of Wisconsin, Spanish War Veterans, for restoration of the army canteen—to the Committee on Military Affairs.

By Mr. McMORRAN: Petition of citizens of North Branch, Mich., against enactment of S. 3940—to the Committee on the District of Columbia.

By Mr. MARTIN: Petition of Synod of South Dakota, Presbyterian Church, favoring H. R. 11805, to prevent Sunday banking in post-offices, and for legislation compensating, by a rest day of twenty-four hours, all clerks who work on Sunday—to the Committee on the Post-Office and Post-Roads.

Also, petition against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of South Dakota, against any parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Martland Mine and Mill Men's Local Union, No. 19, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

By Mr. MONDELL: Petition of citizens of Cheyenne against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. MOON of Tennessee: Papers to accompany bills for relief of estate of Lewis Patterson and James Nipper—to the Committee on War Claims.

By Mr. MOUSER: Paper to accompany bill for relief of James A. Turner—to the Committee on Invalid Pensions.

Also, papers to accompany bills for relief of Joseph McClain and John W. Fowler—to the Committee on Invalid Pensions.

By Mr. O'CONNELL: Petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of citizens of Boston, Mass., for legislation pensioning members of the United States Telegraph Corps in the civil war—to the Committee on Invalid Pensions.

Also, petition for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

By Mr. POLLARD: Petition of citizens of Lincoln, Nebr., against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. PORTER: Petition of citizens of Medina, N. Y., against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. RAINEY: Petition of Illinois Manufacturers' Association, against legislation inimical to corporate interests—to the Committee on Interstate and Foreign Commerce.

By Mr. REID: Paper to accompany bill for relief of Mary A. and Clarence E. Haney—to the Committee on War Claims.

Also, papers to accompany bills for relief of estate of John Diehl and William P. Campbell—to the Committee on War Claims.

By Mr. SPARKMAN: Papers to accompany bills for relief of William Willingham, John C. Benton, Maxfield McClellan, Isaac A. Redd, Berrien D. Whitehurst, Abraham F. Williams, Allen D. Douglas, and Frank E. Saxons—to the Committee on Pensions.

By Mr. STEVENS of Minnesota: Petition of State Association of Minnesota, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, petition of Washington County (Minn.) Medical Society, favoring establishment of a national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. STURGISS: Petition of C. M. Loebrig for legislation pensioning members of United States Military Telegraphers' Union in civil war—to the Committee on Invalid Pensions.

Also, petition against the passage of S. 3940 (proper observance of Sunday as day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition against Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, papers to accompany bills for relief of Alpheus Wilson, Fletcher B. Wilson, Elijah Coffman, and John W. Combs—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Papers to accompany bill of June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. THOMAS of Ohio: Petition of the Devoe Grocery Company, of Warren, Ohio, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. VREELAND: Petition of business men of Wellsville, N. Y., against establishment of parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of towns of Concord and Yorkshire, against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 11, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. PERKINS. Mr. Speaker, I rise to a question of the privilege of the House and offer a resolution which I ask the Clerk to report.

The SPEAKER. The gentleman from New York [Mr. PERKINS] offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 451.

Whereas there was contained in the sundry civil appropriation bill, which passed Congress at its last session and became a law, a provision in reference to the employment of the Secret Service in the Treasury Department; and

Whereas in the message of the President of the United States to the two Houses of Congress it was stated in reference to that provision. "It is not too much to say that this amendment has been of benefit only, and could be of benefit only, to the criminal classes," and it was further stated, "The chief argument in favor of the provision was that the Congressmen did not themselves wish to be investigated by Secret Service men," and it was further stated, "But if this is not considered desirable a special exception could be made in the law, prohibiting the use of the Secret Service force in investigating Members of Congress. It would be far better to do this than to do what actually was done, and strive to prevent or at least hamper effective action against criminals by the executive branch of the Government;" Now, therefore be it

Resolved, That a committee of five Members of this House be appointed by the Speaker, to consider the statements contained in the message of the President and report to the House what action, if any, should be taken in reference thereto.

Mr. PERKINS. Mr. Speaker, I do not believe in oversensitiveness to unfavorable criticism, whether upon an individual or upon a public body. But while there may be undue sensitiveness, so also there may be undue obtuseness, which might argue a lack of proper self-respect.

It is of importance to the Republic that all of the coordinate branches of the Government should possess, in a high degree, the confidence and respect of the people. I yield to no one in my respect for the Chief Executive of the United States; and I yield to no one in my respect for the Congress of the United States. [Loud applause.] To the Congress is granted great power, and upon it are imposed great responsibilities. We can not neglect our duties nor shirk our responsibilities. The dignity of that body should not be punctiliously insisted upon, but it should be properly maintained. The statements made by the President of the United States can not be lightly disregarded. They may be so construed by the public as to lessen the dignity and thereby impair the usefulness of the Congress of the United States. It can be justly said, I think, that these expressions were unfortunate. Whether it is enough to say this or whether some more formal action should be taken it will be for Congress, exercising a wise and discreet judgment, to decide.

Mr. Speaker, we are the representatives of ninety millions of people. We are the legislative body of a great nation. I am sure there is no one who has the honor to be a Member of this Congress who will hesitate to approve such action as may be required by a proper regard for the dignity of the body to which we belong, and of the people whose Representatives we are.

Mr. Speaker, the resolution offered provides for the appointment of a committee which shall report to the House. Upon the coming in of the report there will be full opportunity for discussion. I shall be glad if the resolution can now be adopted without debate and without dissent. [Loud applause.]

The question was taken, and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee: Mr. PERKINS, Mr. DENBY, Mr. WEEKS, Mr. WILLIAMS, and Mr. LLOYD.

LEGISLATIVE APPROPRIATION BILL.

Mr. BINGHAM. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the legislative, executive, and judicial appropriation bill for the fiscal year ending June 30, 1910, and for other purposes.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CURRIER in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 23464, the legislative, executive, and judicial appropriation bill. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 23464) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BINGHAM. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to dispense with the first reading of the bill. Is there objection? [After a pause.] The Chair hears none.

Mr. BINGHAM. Mr. Chairman, I ask the attention of the committee simply to the reading of the report in connection with the bill.

The estimates on which the bill is based will be found on pages 9-88 and 137-151 of the Book of Estimates for 1910, and aggregate \$32,484,979.75, of which amount there is recommended in the bill \$31,667,820, a reduction of \$816,259.75 under said estimates.

The appropriations for the same purposes, exclusive of any sums for the Census Office and for inspection of mines, for the current fiscal year, including \$108,320 in the sundry civil and other acts of the last session, aggregated \$31,632,943.50, being \$34,876.50 less than is recommended in the accompanying bill for the service of the fiscal year 1910.

The whole number of salaries specifically provided for in this bill is 14,441, or 186 less than the number estimated for and 159 more than the number provided for in the law for the current year.

Pending the final enactment of legislation governing the taking of the Thirteenth Census, no appropriations are recommended in this bill for the Census Office. The estimates for this service will receive consideration by the committee in its preparation of the sundry civil bill, which will be prepared and reported later in the session.

Appropriations for mine inspectors and for investigations as to causes of mine explosions, carried in the legislative, and so forth, appropriation act for the current year, are also omitted from this bill for the ensuing year with a view to their consideration in connection with the sundry civil bill.

The appropriations for both of the foregoing branches of the public service for 1909 are not considered in the comparisons which are instituted in this report as to the appropriations for the fiscal year 1909 or the estimates submitted for 1910.

The specific changes in the number or grade of officers or employees of the Government and their rate of compensation, as compared with the current law and without reference to transfers from one bureau to another, recommended in the bill are as follows:

SENATE.

The bill appropriates for officers, clerks, and other employees in the service of the Senate in the same terms as the law for the current year, except that for session employees the usual increase is made, growing out of the longer term of their employment during the ensuing session, as compared with the present short session of Congress, and a reduction is made, in accordance with the estimates, of 10 clerks, at \$1,800 each, to Senators who are not chairmen of committees.

The appropriation for miscellaneous expenses, including personal services for the Senate, is reduced from \$150,000 to \$75,000, being the same amount as is recommended for like expenses of the House.

HOUSE OF REPRESENTATIVES.

The salaries of all officers and employees of the House which were increased at the last session of Congress by resolution are continued for the next fiscal year at the rate of compensation thus fixed.

LIBRARY OF CONGRESS.

For the Library proper an increase is recommended of 2 stenographers and typewriters at \$1,200 and \$720, respectively, instead of 2 at a salary of \$1,000 each; 1 messenger boy at \$360; 2 attendants at \$480 each for the reading room.

For the copyright office an increase is recommended of 1 clerk at \$1,800, 2 clerks at \$1,600 each, 2 clerks at \$1,000 each, 2 clerks at \$600 each, and 1 messenger boy at \$360.

For the carrier service in connection with the House Office Building, 2 messengers at \$40 per month each during the next session of Congress is recommended.

For the work on indexes, digests, and compilations of law, a chief assistant at \$3,000 instead of \$1,800, and an additional assistant at \$2,400 are provided for.

The salaries of the chief of the division of music and one assistant are increased from \$2,000 to \$3,000 and from \$1,400 to \$1,500, respectively.

DEPARTMENT OF STATE.

One additional clerk at \$1,600; 2 additional clerks at \$1,400 each; 4 additional clerks at \$1,200 each; 1 additional clerk at \$1,000, and 3 clerks at \$900 each are recommended.

TREASURY DEPARTMENT.

Office of the chief clerk.—A messenger at \$840 is provided for in lieu of a laborer at \$660.

Division of customs.—Two additional law clerks at \$2,000 each are recommended.

Division of loans and currency.—Two additional money counters at \$720 each and 1 laborer at \$660 are recommended, and 1 laborer at \$550 is omitted.

Office of the Auditor for the Treasury Department.—One additional clerk at \$1,200 is recommended.

Office of Auditor for Post-Office Department.—An expert accountant at \$2,250 is provided for, in lieu of a deputy auditor at \$2,500; 2 additional clerks at \$1,800 each, and 10 money-order assorters at \$840 each are recommended.

Office of the treasurer.—One additional clerk at \$1,600 and 1 charwoman at \$240 are recommended; and in the force employed in redeeming the national currency an increase is recommended of 1 clerk at \$1,800, 2 clerks at \$1,600 each, 2 clerks at \$1,400 each, 26 expert counters at \$1,000 each, 4 expert counters at \$900 each, 2 messengers at \$840 each, and 1 charwoman at \$240.

Office of the Register of Treasury.—An increase is recommended of 1 clerk at \$1,200, and 5 counters at \$720 each; and 1 clerk at \$900 is omitted.

Office of the Commissioner of Internal Revenue.—A reduction of 1 laborer at \$660 is recommended.

Bureau of Engraving and Printing.—An increase is recommended of 1 chief of division of assignments and reviews, \$3,000, a chief clerk at \$2,500 instead of an accountant at the same salary, 1 clerk at \$1,800, 2 clerks at \$1,600 each, 2 clerks at \$840 each, and 6 clerks at \$780 each.

INDEPENDENT TREASURY.

A reduction is recommended of 1 clerk at \$1,000 in the office of the assistant treasurer at Boston.

MINTS AND ASSAY OFFICES.

The salary of the assistant melter and refiner in the assay office at New York is reduced from \$2,500 to \$2,000.

NAVY DEPARTMENT.

Office of the solicitor.—One law clerk at \$2,250 is recommended.

Bureau of Navigation.—An increase is recommended of 2 clerks at \$1,200 each and 1 clerk at \$1,000.

Bureau of Equipment.—An increase is recommended of 1 expert in wireless telegraphy at \$3,000 and 2 draftsmen at \$1,600 each.

Nautical Almanac Office.—For pay of computers on piecework, the appropriation is increased from \$6,000 to \$7,000.

Bureau of Supplies and Accounts.—An increase is recommended of 1 clerk at \$1,400, 2 clerks at \$1,100 each, and 1 clerk at \$900.

DEPARTMENT OF THE INTERIOR.

Office of the Secretary.—Transfers are provided for as follows: Six inspectors at \$2,500 each from the Indian Department, 3 laborers at \$660 each, and 4 charwomen at \$240 each from the Indian Office.

General Land Office.—The 3 inspectors for surveyors-general and district land offices at \$2,000 are omitted; law reviewers and law examiners are provided for instead of certain law clerks and clerks without increase in number or rate of compensation.

Indian Office.—An assistant chief of division at \$2,000 instead of a chief of division at the same salary is provided for, and a net increase of force is recommended as follows: Three clerks at \$1,800 each and a principal bookkeeper at \$1,800 are omitted; 2 clerks at \$1,600 each; and 3 messenger boys at \$360 each.

Pension Office.—A reduction is made of 1 chief of division at \$2,000, 2 assistant chiefs of division at \$1,800 each, 20 clerks at \$1,000 each, 28 copyists at \$900 each, and 20 special examiners at \$1,300 each.

Patent Office.—A First Assistant Commissioner at \$4,500 and an examiner of classification at \$3,600 are provided for, and an increase is recommended of 10 fourth assistant examiners at \$1,500 each, 1 translator of languages at \$1,800, 2 clerks at \$1,400 each, 5 clerks at \$1,200 each, 5 clerks at \$1,000 each, 1 messenger at \$840, 27 laborers at \$480 each, and 1 messenger boy at \$360.

Bureau of Education.—The salary of the Commissioner of Education is increased from \$4,500 to \$5,000, and an editor at \$2,000 is recommended.

Offices of surveyors-general.—The office of the surveyor-general for Louisiana, with salaries amounting to \$8,600, is omitted from the bill.

For clerks in the office of the surveyor-general of Wyoming the amount is reduced from \$10,000 to \$9,000.

POST-OFFICE DEPARTMENT.

Office of the Second Assistant Postmaster-General.—An increase is recommended of 2 clerks at \$900 each, and 1 page at \$480.

DEPARTMENT OF JUSTICE.

One assistant attorney at \$3,500, and 1 clerk at \$900, now paid from the appropriation "enforcement of the antitrust laws," are provided for, and the salaries of attorneys and others paid from certain general appropriations, as indicated in the law for the present fiscal year, are consolidated with the general force of the department, as recommended by the Attorney-General, no increase in their number or compensation being made.

Mr. GAINES of Tennessee. I would like to have the gentleman explain why that change is made.

Mr. BINGHAM. If the gentleman will allow me to read the report through, and it is very brief, when we come to the debate under the five-minute rule there will be an answer made to every inquiry as to the provisions of the bill, while to answer now will only interrupt the continuity of the reading of the report.

Mr. GAINES of Tennessee. I just wanted to know what was being done for the enforcement of these laws, and I will wait.

Mr. BINGHAM:

DEPARTMENT OF COMMERCE AND LABOR.

Office of the Secretary.—A chief watchman at \$900 instead of a captain of the watch at \$1,200 is provided for.

Bureau of Corporations.—An increase is recommended of 1 clerk at \$1,400, 1 clerk at \$1,200, 2 clerks at \$1,000 each, and 2 copyists at \$900 each.

Bureau of Manufactures.—The salary of the assistant chief of the bureau is increased from \$2,500 to \$3,000, and an increase is recommended of 1 clerk at \$1,000, and 1 clerk at \$900.

Bureau of Immigration and Naturalization.—The salary of the commissioner-general is increased from \$4,000 to \$5,000, in lieu of \$1,000 additional now being paid from the appropriation for the "Enforcement of the Chinese-exclusion act;" and the salary of the assistant commissioner-general is increased from \$3,000 to \$3,500.

Bureau of Standards.—An increase is recommended of 3 assistant chemists—1 at \$2,200, 1 at \$1,600, and 1 at \$1,400; 5 associate physicists—1 at \$2,200, 1 at \$2,000, 1 at \$1,600, and 2 at \$1,400 each; 3 laboratory assistants—2 at \$1,200, and 1 at \$1,000; 2 laboratory helpers at \$720 each; 1 clerk at \$1,200; 1 mechanic at \$1,500; 1 glass blower at \$1,200; 1 electrician at \$1,200.

JUDICIARY.

The salary of 1 district judge at \$6,000 is omitted, as recommended in the estimates, and an additional messenger at \$720 for the court of appeals for the District of Columbia is provided for.

LIMITATIONS.

Limitations with respect to the appropriations made in the bill and not heretofore imposed are recommended as follows:

On page 34:

The Librarian of Congress may from time to time transfer to other governmental libraries within the District of Columbia, in-

cluding the public library, books and material in the possession of the Library of Congress in his judgment no longer necessary to its uses, but in the judgment of the custodians of such other collections likely to be useful to them, and may dispose of or destroy such material as has become useless.

On page 60:

And no other fund appropriated by this or any other act shall be used for services in the Bureau of Engraving and Printing, of the character specified in this paragraph, except in cases of emergency arising after the passage of this act and then only on the written approval of the Secretary of the Treasury.

On page 165:

Sec. 4. When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section 4 of the legislative, executive, and judicial appropriation act approved June 22, 1903, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirement of law.

RECAPITULATION.

The following tabulated statement gives in detail the appropriations for the current fiscal year, the estimates for 1910, and the amounts recommended in the accompanying bill for the fiscal year 1910:

Following the report, which gentlemen can find in the document room, there will be found a tabulated statement giving in detail the appropriations for the current fiscal year, the estimates for the fiscal year 1910, and the amount recommended in the accompanying bill for the year 1910.

One word more. The legislative, executive, and judicial appropriation acts more nearly represent, year by year, than any other legislative enactments the ordinary growth of the civil functions of the Government. With only one exception, a considerable increase in annual expense has marked the enactment of this measure for each of the past ten years, and the exception in question showed a reduction of less than \$2,000 in the bill reported under the previous law.

The bill under consideration makes an increase of only \$34,000, a sum very considerably less than the increase presented in any of the bills during the past ten years, with the one exception noted.

Mr. LIVINGSTON. Mr. Chairman, as the committee proposes to extend all the time possible for debate as the bill is read by paragraphs, I hope that there will be no objection now to reading the bill by sections.

The CHAIRMAN. If there is no further debate, the Clerk will report the bill by paragraphs for amendment.

The Clerk read as follows:

For 10 clerks to committees, at \$6 each per day during the session, \$12,420.

Mr. BARTLETT of Georgia. Mr. Chairman, I move to strike out the last word. In line 14, page 18, there is a provision for 10 clerks to committees at \$6 each per day during the session, \$12,420. Does that include or is that intended to provide for the payment of clerks to certain committees known as "committees on expenditures in the various departments of the Government" who were appointed by resolution adopted by the House some time in April last?

Mr. GILLET. No; it is not. They are not carried in this bill at all. This does not provide for them.

Mr. BARTLETT of Georgia. Then this is for committees other than the committees on expenditures in the various departments of the Government?

Mr. GILLET. Yes.

Mr. BARTLETT of Georgia. The Committee on Appropriations then has made no provision to continue the payment of the clerks to those committees?

Mr. GILLET. Those clerks were put on by resolution last year, and the Clerk of the House did not make any report to the Appropriations Committee at all about them. Consequently, they were simply omitted. We followed exactly the list that was sent to us by the Clerk of the House.

Mr. BARTLETT of Georgia. Then if the clerks to those committees are serving now they are serving without pay, and will not be paid unless some provision is made for them in some other bill than this.

Mr. GILLET. They were put on last year, not as regular clerks, but simply put on by resolution of the House for that one session. If the House desires to put them on again, undoubtedly the Committee on Accounts will report a similar resolution. Whether that is the purpose or not, I do not know. They were not put on this bill.

Mr. BARTLETT of Georgia. I suppose the gentleman would feel called upon to make a point of order if any proposition was made to include them now?

Mr. GILLETT. I think I should be obliged to make a point of order. I think the Committee on Accounts, who have jurisdiction, ought to be allowed to exercise their jurisdiction.

Mr. BARTLETT of Georgia. The Committee on Accounts will not dodge its responsibility at all. I merely wanted to find out what I have found out.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

For the following minority employees authorized and named in the resolution adopted by the House of Representatives November 9, 1903, namely: One special employee, \$1,800; 2 special messengers at \$1,500 each; and 1 special chief page, \$1,100, and \$700 additional for services as pair clerk; in all, \$8,600.

Mr. BINGHAM. Mr. Chairman, on page 22, line 1, the words "November 9, 1903," should read "December 2, 1907." I offer an amendment to make that correction.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 22, line 1, strike out "November 9, 1903," and insert "December 2, 1907."

The amendment was agreed to.

The Clerk read as follows:

Indexes, digests, and compilations of law: To continue the preparation of the new index to the Statutes at Large, in accordance with the plan approved by the Judiciary Committees of both Houses of Congress, and to prepare such other law indexes, digests, and compilations of law as may be required by Congress for official use, namely: For 1 chief assistant, \$3,000; 1 assistant, \$2,400; 1 assistant, \$1,200; 1 assistant, \$900; 2 assistants at \$720 each; in all, \$8,940.

Mr. MANN. Mr. Chairman, I move to strike out the last word, for the purpose of asking a question of the gentleman in charge of the bill. I notice on page 31 there is an increase in the compensation of the law librarian, \$500, in connection with the preparation of the new index to the Statutes at Large, and in the paragraph just read there is an increase to the person in charge of the digest and compilation of the index from \$1,800, I think, to \$3,000. I do not quite understand the theory of having two persons, each drawing the same salary, in charge of this work.

Mr. BINGHAM. I would simply state that the man to whom he refers has a supervisory control in connection with the indexing of the Statutes at Large. He is not relegated to do nothing. He is continued in the work of the supervision, but the direct responsibility is thrown upon these two officials whom we indicate.

Mr. MANN. He has never had an allowance for supervision heretofore?

Mr. BINGHAM. Oh, yes; he has always had it.

Mr. TAWNEY. He has had that \$500.

Mr. MANN. He did not have it at this place in the last appropriation act—that is all I can say about it. He may have had it somewhere else.

Mr. BINGHAM. The work referred to was imposed upon us, and it was provided that it should be administered under the law library, covering the statutes from 1873 to date. We now know just what we have to do and just what the defects are in our organization for doing it. They continue this supervisory work and then put the onus for going along on this new creation.

Mr. MANN. I understand the fact to be this: That heretofore the work has been in charge of the law librarian, and he had a clerk at \$1,800. The law librarian was paid \$500 for supervision, probably a proper sum to pay for overlooking the work of a subordinate official. Here, however, is a proposition to increase the pay and the rank of the person doing the work, so that he is on an equality with the law librarian—in fact, receiving a higher salary than the law librarian receives—and yet it proposes to make him a subordinate official and make a present to the law librarian of the extra \$500. It seems to me wholly improper to increase the rank of the man who does the work so that he is to receive a higher salary than the law librarian receives and yet make him a subordinate official to the librarian of the law library.

Mr. BINGHAM. It only runs for this special line of work, and this is due to him because we put on him this additional work. It does not interfere with the work that he is doing now.

Mr. GILLETT. If I may add a word to the explanation already made, in the past, as the gentleman from Illinois has said, the librarian has had supervision and been allowed \$500 for that, and has had this man at a lower salary under him. It has been found that the law librarian could not give much of his time to this work, as he is so much occupied, and the purpose is now that after this year, after the organization necessary gets under way, this man whose salary we have raised

shall have that as a permanent salary, and shall after the first year be independent of the law librarian and carry this work on himself. The work, as the gentleman from Illinois is aware, has progressed well, and it appears to be exceedingly valuable and has been excellently done. Now the recommendation is made that for the next year the law librarian shall have the \$500 because they will have to organize and he will have to have some supervision this year to organize it. It is recommended, and I think it wise, that this man ought to have permanently this salary which is now made by adding the \$500.

I think also the person who is in charge of this difficult work ought to have the salary we have provided. They have found it exceedingly difficult to retain the men because they have been hired away from them. It has been difficult to keep their force of skilled men, which was necessary for the difficult work of indexing.

Mr. MANN. The gentleman from Massachusetts will observe that I did not raise any question about the propriety of paying the amount of salary in either case. Both propositions were subject to a point of order, in my opinion. I have no doubt the law librarian fairly ought to have the salary of \$3,000. The question I was raising was as to the propriety of increasing the salary of the man in charge of the index work to an amount as great or greater than that of the librarian and making him a subordinate officer under the supervision of a man who gives no attention to the business. I would put the responsibility upon the man whose pay is raised and hold him responsible.

Mr. TAWNEY. The law puts the responsibility on the law librarian of supervising the work.

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman a question.

Mr. TAWNEY. I will yield to the gentleman.

Mr. JOHNSON of South Carolina. How many men are engaged in carrying out the provisions of that law?

Mr. TAWNEY. There are three, including the law librarian.

Mr. JOHNSON of South Carolina. How long have they been engaged in the work? I thought that the pay of these men amounted to about \$10,000 a year.

Mr. GILLETT. That is about it.

Mr. TAWNEY. There are five, but the law librarian has general supervision, and the \$3,000 man provided for is the man who is to be really in charge of the organization and in charge of the work. Now, they have been working on the volume which has already been published, bringing the index of the general laws from 1873 down to date. They intend now, and are required under the law, to begin to make the indexes to the general statutes from the beginning of the Government down to 1873, and the time required, with this organization which we provide for, will be three years, according to the best judgment of the librarian.

Mr. JOHNSON of South Carolina. May we hope that work will be completed in three years?

Mr. TAWNEY. Yes.

Mr. MANN. Completed just about the time there will be a new revision of the laws, and we will have to commence with these same gentlemen the same work over again.

Mr. TAWNEY. It does not matter whether we have a revision of the laws or not, for we always need an index of the existing laws heretofore passed, so that they may be referred to.

Mr. MANN. It is safe to say that when we have a revision of the laws, as we ought to have soon, and a new index to that, nobody will ever refer to the one that these gentlemen are now engaged upon.

Mr. TAWNEY. The Committee on the Judiciary, which reported this provision directing this work to be done, differ materially with the gentleman from Illinois [Mr. MANN] in regard to the necessity for this work even after the revision of the laws, and I think it is absolutely essential for the work to go on if we are going to complete it, and complete it efficiently; and if we are going to complete it within the shortest space of time, we ought to give them this organization. They must get a good lawyer, for it requires one, to make such an index of the remaining statutes as has been made of the laws from 1873 down to the present time. If the gentleman will send to the library and get the first volume that is now completed and see the completeness of that volume and the efficiency with which the work was done by Doctor Scott and Mr. Beaman, who have quit the service on account of the lack of compensation and because of the laborious work involved, he will be satisfied with the efficiency of the work done.

Mr. JOHNSON of South Carolina. I hope the gentleman from Minnesota [Mr. TAWNEY] does not understand me to be criticising the character of the work. I simply asked if it was like all other government jobs—to go on indefinitely.

Mr. TAWNEY. I will say it will not last indefinitely. Under these conditions it will last three years, otherwise five years.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

For compensation to the following in the office of the President of the United States: Secretary, \$6,000; 2 assistant secretaries at \$3,000 each; executive clerk, \$2,500; executive clerk and disbursing officer, \$2,000; 7 clerks at \$2,000 each; 1 clerk of class 4; 1 clerk of class 4, who shall be a telegrapher; 4 clerks of class 3; 2 clerks of class 2; steward, \$1,800; chief doorkeeper, \$1,800; 5 doorkeepers at \$1,400 each; 3 doorkeepers at \$1,200 each; 4 messengers at \$1,200 each; 5 messengers at \$900 each; watchman, \$900; 1 fireman, \$900; laborer, \$720; laborer, \$600; in all, \$69,920: *Provided*, That employees of the executive departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary.

Mr. MANN. Mr. Chairman, I move to strike out the last word. I would like to ask the Committee on Appropriations if there is any report anywhere, or occasion for a report, of the number of men detailed to the executive department from other branches of the Government;

Mr. GILLETT. I do not think there is. There is not to my knowledge.

Mr. BINGHAM. There was no request in the hearings or anything of that kind as to an increase or decrease.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

TREASURY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Treasury, \$12,000; 3 Assistant Secretaries of the Treasury, at \$5,000 each; clerk to the Secretary, \$2,500; stenographer, \$1,800; 3 private secretaries, 1 to each Assistant Secretary, at \$1,800 each; government Actuary, under control of the Treasury, \$2,250; examiner, \$2,000; 2 clerks of class 4; 4 clerks of class 3; 2 clerks of class 2; 4 messengers; and 1 laborer; in all, \$57,770.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. I want to find out from the committee why these increases in the cost of collecting the revenues are provided for in this bill. During the past few years, at the coming in of every bill, they ask for an increase in force, and the excuse given was that there was an increase of business. Unfortunately the country is not in that condition now. The revenues are behind what they were at the same date in the last fiscal year, but the same increases in force are asked for. I want to know if the committee has allowed the increases in the Treasury Department that were asked for on the ground of an increase in business.

Mr. BINGHAM. The statement made was to the effect that the new customs law would necessitate it; that in connection with foreign treaties, understandings between Germany and other nations, and because of increased work, together with the fact that the new law would give them a vast amount of additional work, it was necessary. That is putting it briefly.

Mr. JOHNSON of South Carolina. But the new law has not been passed as yet.

Mr. BINGHAM. These estimates are for the next fiscal year, and the expectation is that the law will be completed within the next six or eight months.

Mr. JOHNSON of South Carolina. It seems to me it would be impossible for the Treasury Department to say what the effect of a law would be that has not yet been framed or introduced into Congress.

Mr. BINGHAM. The committee thought they were making a very reasonable addition to the customs service.

Mr. GILLETT. May I say just a word there—that if the gentleman will observe, he will see that we have given hardly any increases to the Treasury in any of the departments. We are simply giving in the division of customs two law clerks, and their work does not depend so much upon the business as upon the difficulty of the business; and as the gentleman from Pennsylvania [Mr. BINGHAM] said, of course this takes effect when the new customs law comes in and there will be a very great deal of work in respect to appeals in customs cases. But in the other cases the gentleman will observe here in the office of the Treasury it depends on the currency. Then in the Bureau of Engraving and Printing we are obliged to give them an increase, and of course the gentleman appreciates that while our revenues are falling behind, our expenditures, which ought to be falling behind, are not. The gentleman will see that there is very little increase of any kind given, if he will look carefully.

Mr. JOHNSON of South Carolina. One other question, if the gentleman will answer it. A year ago when we passed the legislative bill we found that in the Treasury Department they had inaugurated the double-entry system of bookkeeping, and

the appropriations were large because they were carrying on the old single-entry bookkeeping and the double-entry bookkeeping at the same time. Is not there some assurance that after a short time two systems of bookkeeping will be discontinued?

Mr. GILLETT. If the gentleman means the same thing that I do, it was not that the new system was to be temporary. That was to be permanent, but the old system was to be done away with.

Mr. JOHNSON of South Carolina. That is the way I understood it. I want to know now, is it not true that they are keeping up both systems of bookkeeping there?

Mr. GILLETT. No; I do not think it is.

Mr. JOHNSON of South Carolina. Well, then, we were told the amount asked for last year for the present fiscal year—

Mr. GILLETT. For the different auditors.

Mr. JOHNSON of South Carolina. For the officers of the Treasury Department who keep these books—

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. GILLETT. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended. I have used up a good deal of it.

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none.

Mr. JOHNSON of South Carolina. The proposition was that the Treasury force was used there keeping two sets of books and in consequence of that it was incumbent to make an unusually large appropriation. Now, what I want to know is, if they have discontinued the double set of bookkeeping and if they have not, when will they do so?

Mr. GILLETT. I think the gentleman is under a misapprehension that we gave them a large increase because of the double system. It was claimed by some officers and denied by some others that the new system would require a larger force, but we did not provide a larger force because the two systems were going on at the same time. As I recollect, it was simply because the new system was to come in, and had already been adopted, and it was to be in full force this year. Some officers claimed that the new system would permanently require a larger force, and some now say that it does and others say it does not. We simply provided the same force to the auditors because—

Mr. JOHNSON of South Carolina. I must be very unfortunate in making myself understood. What I want to know is, Are they keeping two sets of books in the Treasury Department?

Mr. GILLETT. Only one system. They do not both go on at the same time.

Mr. JOHNSON of South Carolina. They said so last year.

Mr. GILLETT. No; it was for the change. Our recollections differ. I do not recollect both went on at the same time, but they have changed from one to the other.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn.

There was no objection.

The Clerk read as follows:

Office of Auditor for War Department: For auditor, \$4,000; deputy auditor, \$2,500; law clerk, \$2,000; 6 chiefs of division, at \$2,000 each; 23 clerks of class 4; additional to 1 clerk as disbursing clerk, \$200; 50 clerks of class 3; 71 clerks of class 2; 83 clerks of class 1; 20 clerks, at \$1,000 each; 14 clerks, at \$900 each; skilled laborer, \$900; 3 clerks, at \$840 each; 1 messenger; 5 assistant messengers; and 12 laborers; in all, \$389,480.

Mr. MANN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 50, line 19, after the word "dollars," add:
"And \$1,000 additional while acting as auditor for the Isthmian Canal Commission."

Mr. GILLETT. Mr. Chairman, I reserve the point of order.

The CHAIRMAN. The gentleman from Massachusetts reserves the point of order.

Mr. MANN. Mr. Chairman, the amendment, of course, is subject to the point of order. When the President directed that the construction of the Panama Canal proceed under the Secretary of War it became so that the accounts are audited by the Auditor for the War Department. That involved a very large amount of additional responsibility upon him, because the accounts of the Isthmian Canal are probably as large as the accounts of most any of the departments. There are a great many of them, and it seems to me that it would be perfectly proper. I think last year the matter was discussed, and it was almost agreed

that he might have additional \$1,000 compensation. It is perfectly plain, I think, to everybody that the gentleman ought to have an increase in salary, either possibly in this way or, as was contemplated a year ago, in some way out of the Isthmian Canal funds.

Mr. GILLET. Mr. Chairman, the gentleman's statement seems plausible, and it might be true that he ought to have it, but provision should be made in some other bill; and inasmuch as there was no estimate for it in this bill we could not consider it, so I feel it my duty to insist upon the point of order.

Mr. BINGHAM. I will state to the gentleman that for the current year he is receiving the additional thousand dollars in the sundry civil bill, and it is estimated for in the next sundry civil bill.

The CHAIRMAN. Does the gentleman from Illinois [Mr. MANN] desire to be heard on the point of order?

Mr. MANN. I stated that I believed it is subject to a point of order, undoubtedly.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

Mint at Denver, Colo.: For superintendent, \$4,500; assayer, melter and refiner, and coiner, at \$3,000 each; chief clerk and cashier, at \$2,500 each; weigh clerk and bookkeeper, at \$2,000 each; assistant assayer, assistant melter and refiner, and assistant coiner, at \$2,000 each; abstract clerk and warrant clerk, at \$1,800 each; assistant weigh clerk and calculating clerk, at \$1,600 each; calculating clerk, \$1,400; and 2 clerks, at \$1,200 each; in all, \$39,100.

Mr. BONYNGE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Colorado offers an amendment, which the Clerk will report.

The Clerk read as follows:

On line 13, page 75, after the word "dollars," add the words "one assayer's computation clerk, \$1,600."

Mr. BINGHAM. Mr. Chairman, I reserve a point of order, but desire the gentleman to make his statement.

Mr. BONYNGE. I do not know that there is any specific law covering the amendment offered, but it is covered under the lump appropriation in the next paragraph, as follows:

For wages of workmen and adjusters, and not exceeding \$32,500 for other clerks and employees, \$150,000.

In the other mints, particularly in the mint at Philadelphia, this office is one of those specifically appropriated for under the title and with the salary that is proposed by the amendment that is offered. The salary of the individual who is now doing the work is \$1,400 a year. When the mint was first established at Denver, the salaries were not as large as at other mints. The purpose was to make the salaries less than at other mints until the work had gotten well under way. It occurs to me the time has arrived now when, all the other officers and employees of the Denver mint having received an increase in their salaries to correspond to the salaries paid to similar officers in other mints, this clerk should receive the same salary as those who are doing similar work in the other mints. I do not know that it is subject to a point of order, Mr. Chairman. I believe that all of these clerks are not provided for by permanent law at all, but are only provided for each year in the appropriation bill.

Mr. BINGHAM. Mr. Chairman, I offer a point of order that there is nothing in the existing law that justifies this increase. And there is the further fact that the committee listened fully to the statement made by the Director of the Mint, taking up each paragraph of his recommendations, and there is no suggestion or reference in his hearing as to this proposed change. If it is in another paragraph of the bill, I have no criticism to make, but I make a point of order as to this paragraph that it is not an existing law.

The CHAIRMAN. Does the gentleman from Colorado [Mr. BONYNGE] desire to be heard on a point of order?

Mr. BONYNGE. I can only say in reference to the point of order, Mr. Chairman, that I do not think any of these salaries are provided for by permanent law. There is no law that I know that covers any of them.

The CHAIRMAN. Apparently the amendment contemplates the establishment of a new office.

Mr. BONYNGE. No; it is not a new office. It is covered under the appropriation in the next paragraph. While it is not specifically named, there is such an office, and the work is being done, but it is covered by the general appropriation.

The CHAIRMAN. What is the salary now being paid to the clerk that is performing the work?

Mr. BONYNGE. Fourteen hundred dollars, but not covered by law. It is left to the discretion of the appointing officer, within the limits of the general amount appropriated.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

For night watchmen as follows: Two in Smithsonian grounds; 1 in Judiciary Park; 2 in Henry and Seaton parks; 1 in grounds south of Executive Mansion; 1 in Monument Park; 1 at Monument Park Annex (Potomac Park); and 2 in Garfield Park; 10 in all, at \$720 each, \$7,200.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word.

Under this title of the bill it seems to be appropriate to call attention to a most remarkable and extraordinary proceeding. I refer to the removal of the Pennsylvania depot, a building which stood upon government ground, and, so far as I know, has been removed without authorization of law. I desire to send to the Clerk's desk and have read in my time what was revealed before the Committee on Appropriations.

The Clerk read as follows:

REMOVAL OF THE OLD PENNSYLVANIA RAILROAD STATION.

Mr. BURLESON. Did you not ask in the last bill for a watchman or custodian for the old Pennsylvania Railroad station?

Colonel BROMWELL. I think I did; yes.

Mr. BURLESON. We made the appropriation, did we not?

Mr. TAWNEY. And the authorization?

Mr. BURLESON. Yes. We made the authorization and the appropriation?

Colonel BROMWELL. I think so; but I have not had any occasion to use it, because I have torn down the railroad station.

Mr. BURLESON. What! Torn down the railroad station?

Colonel BROMWELL. Yes, sir.

Mr. BURLESON. By what authority did you tear down the railroad station?

Colonel BROMWELL. By authority of the President of the United States.

Mr. BURLESON. Where did you get the money for that?

Colonel BROMWELL. We advertised for the removal of the building and for the removal of the materials, the contractor receiving all the old materials in the building.

Mr. BURLESON. Who directed you to do that?

Colonel BROMWELL. The President of the United States.

Mr. LIVINGSTON (addressing Mr. BURLESON). Does that satisfy you? [Laughter.]

Colonel BROMWELL. That satisfied me. [Laughter.] I got a written order.

Mr. BURLESON. That was the sole authority for the destruction of that building?

Colonel BROMWELL. Yes, sir; that was my authority.

Mr. GILLET. Did the Government own that building?

Colonel BROMWELL. The railroad built it, but when they abandoned it they turned it over to the Government of the United States.

Mr. LIVINGSTON. It was a contract between the railroad and the Government.

Mr. TAWNEY. The terms under which the building was torn down amounted practically to a sale of the building?

Colonel BROMWELL. Practically.

Mr. TAWNEY. That is what it practically amounted to?

Colonel BROMWELL. Yes, sir.

Mr. TAWNEY. Do you know of any law on the statute books that authorizes any executive officer to sell any of the property of the United States of that character, real estate?

Colonel BROMWELL. No, sir. I called the attention of the higher authorities to that fact, and I received an order to tear the building down.

Mr. BURLESON. Did you look for an appropriation out of which the expense of tearing down that building could be defrayed? Did you look to the law?

Colonel BROMWELL. I was not put to any expense. In fact, I sold the material, I think, for a thousand dollars. I received a bid of a thousand dollars for tearing down the building and train shed, and one of the provisos was that the contractor should have all the old material. I was put to no expense whatever.

Mr. GILLET. The Government got \$1,000 extra out of it?

Colonel BROMWELL. Yes, sir.

Mr. BURLESON. Approximately what was the cost of that building, the erection of it? Just make a guess.

Colonel BROMWELL. I suppose when the building and train sheds were erected they must have cost in the neighborhood of \$25,000 or \$30,000.

Mr. TAWNEY. When it was built, it was built for probably 50 per cent less than it could be built now.

Mr. BURLESON. It was a three-story building.

Colonel BROMWELL. It was a two-story building. There was no basement to speak of. There was just a little cellar.

Mr. TAWNEY. They had pilings there, I understand?

Colonel BROMWELL. I do not know about that.

Mr. LIVINGSTON. It was only a shed?

Mr. GILLET. No; it was quite a building.

Mr. BURLESON. It was a three-story building.

Mr. TAWNEY. How many bricks were there in the building?

Colonel BROMWELL. About 350,000, I should say.

Mr. LIVINGSTON. What does brick cost the Government?

Mr. TAWNEY. About \$10 a thousand.

Mr. LIVINGSTON. The whole thing?

Colonel BROMWELL. It cost the Government nothing, and in addition to that we got about \$1,000.

Mr. LIVINGSTON. Did you sell the stuff?

Colonel BROMWELL. Yes; and we got the building torn down.

Mr. TAWNEY. Was the building in use by the Government at the time it was torn down?

Colonel BROMWELL. No, sir.

Mr. BURLESON. When you asked for this appropriation for a watchman, you intended to use it for storage purposes. A lot of buildings are rented now for storage purposes throughout the city.

Colonel BROMWELL. The building was under my jurisdiction, and I thought I ought to have a watchman to take charge of it while it was under my jurisdiction. Tramps and people might go there to sleep and endanger the safety of the building.

Mr. TAWNEY. Was not the War Department about to use it for storage purposes?

Mr. GILLET. It might have been used in that way.

Mr. BURLESON. A large number of rented buildings are used for storage purposes in the city?

Colonel BROMWELL. Yes.

Mr. LIVINGSTON. Did the President say why he wanted the building removed?

Mr. TAWNEY. Was there any necessity for the removal of the building?

Mr. BURLESON. Was it not torn down to improve the perspective?

Mr. TAWNEY. I would like to have that question answered—What was the necessity for the removal? I am not criticising anybody.

Colonel BROMWELL. I know of no immediate necessity for its removal. Personally I am very glad it was done.

Mr. TAWNEY. The people in the District wanted it removed, did they not?

Colonel BROMWELL. I do not know what the people in the District wanted. I think it adds a great deal to the general improvement to get that building out of the way. It was an old building, and the old train shed there was an eyesore in that part of town.

Mr. TAWNEY. The principal part of the eyesore was the train shed?

Colonel BROMWELL. Yes; but the building encroached on the parking space, and I do not think the building itself was good for much. It was nothing but a shell of a building and unsuitable for most purposes. If it had been used for offices, it would have had to have heating and lighting plants installed in it and the floors strengthened.

Mr. BURLESON. But if it had been used for storage it could have been used to good purpose and great economy to the Government. It would have saved the rent of some of these buildings that we are renting now, would it not?

Colonel BROMWELL. It might, and then it might not.

Mr. BURLESON. Well, we will let it go at that.

[During the reading of the above the time of Mr. JOHNSON expired.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I ask unanimous consent that the Clerk be permitted to conclude the reading of this interesting discussion in the hearings.

There was no objection, and the reading was concluded.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, so far as I know there is no law authorizing the removal or sale of that building. I would like to inquire of the gentleman who has the bill in charge if he has investigated the question, and if there is any authority for the removal and sale of that building. If there is no law for it, what do you propose to do about it?

Mr. BINGHAM. I think we shall have to act on the remark of the gentleman from Texas [Mr. BURLESON], "we will have to let it go at that." [Laughter.] There was nothing before the committee in any form whatever; and the gentleman's object, I presume, is simply to have this matter inserted in the RECORD.

Mr. JOHNSON of South Carolina. I think we might withhold appropriations from officers who so disregard the law as the Superintendent of Public Buildings and Grounds has done.

The Clerk read as follows:

For repairs, supplies, and miscellaneous articles, Mills Building, \$2,000.

Mr. GAINES of Tennessee. Just a moment. I move to strike out the last word. I wish to make an inquiry. Can the chairman reporting the bill or any Member inform the House how much money is paid out by the Government of the United States for rented buildings in the city of Washington and the District of Columbia?

Mr. BINGHAM. About \$250,000 a year.

Mr. LIVINGSTON. More than that.

Mr. BURLESON. I think it is about \$400,000.

Mr. BINGHAM. Four hundred and seventy-one thousand dollars.

Mr. GAINES of Tennessee. Now, will the Chairman inform the House the uses to which these buildings are put by the Government?

Mr. BINGHAM. There are two pages in detail in the Book of Estimates, pages 622 and 623, giving the official sum total at \$471,000.

Mr. GAINES of Tennessee. Well, now, what are these buildings used for?

Mr. BINGHAM. Every department of the Government uses one or other of them.

Mr. GAINES of Tennessee. Are they not subrented? I want to know what the Government pays as rent.

Mr. BINGHAM. I will give the gentleman the departments: State Department, Treasury Department in town, War Department, Navy Department, Post-Office Department, the Department of Agriculture, the Department of Commerce, the Department of Justice, and the Public Printer. The recapitulation is on page 633.

Mr. GAINES of Tennessee. Well, Mr. Chairman, I simply wanted to get the information for my own edification, if not for the edification of the House and information of the country at large. It looks to me like when we pay that amount of money—nearly half a million dollars—every year for rented buildings

in which to conduct the public business, the Government would be doing wiser business if it erected for its purposes more public buildings in Washington. I believe it would be wiser policy to erect more buildings and rent less. Here you say the War Department, the Interior Department, the Agricultural Department, the Department of Justice, indeed all the departments, have gone out in town and rented buildings in which to conduct the public business at an expense of \$471,000 every year. It looks to me like we would save money and conduct the business better if Congress would erect more public buildings for its uses and rent fewer private buildings for public business.

The Clerk read as follows:

NAVY DEPARTMENT.

Office of the Secretary: For compensation of the Secretary of the Navy, \$12,000; Assistant Secretary of the Navy, \$5,000; chief clerk, \$3,000; private secretary to Secretary, \$2,500; clerk to Secretary, \$2,250; clerk to Assistant Secretary, \$2,000; disbursing clerk, \$2,250; 4 clerks of class 4; stenographer, \$1,800; 1 clerk of class 3; 3 clerks of class 2; 4 clerks of class 1; stenographer, \$1,200; 1 clerk, \$1,100; 4 clerks, at \$1,000 each; telegraph operator, \$1,100; 2 copyists; carpenter, \$900; 4 messengers; 4 assistant messengers, 1 transferred to Bureau of Supplies and Accounts; 1 laborer; 3 messenger boys, at \$600 each; 1 messenger boy, \$420; 1 messenger boy, \$400; 1 telephone switchboard operator; 1 assistant telephone switchboard operator; in all, \$69,540.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I do not wish to detain the committee, but I am going to ask the gentleman from Georgia [Mr. LIVINGSTON] to give the House and country the benefit of his views about the matter we were talking about just a few minutes since. Here is \$471,000 for rent of buildings in which to do the public work. I would like to inquire of him if he does not think it wiser to erect these buildings than to rent, and if yea, how much it will cost to build them and how we could get the money?

Mr. LIVINGSTON. I want to suggest to the gentleman from Tennessee that for years I have considered it would be economy to the Government to borrow on long time \$50,000,000, at 2 per cent, and use the capital for the erection of public buildings. This \$470,000 would be about 8 per cent on five millions of money. This Government ought to put up its own buildings as a matter of economy, if nothing else. I have so contended for years. We could borrow this money on long time, say for twenty-five or fifty years, and make posterity pay its share, and then we would get far more suitable buildings. Some of these buildings we are renting are not fitted for the purposes for which we are renting them. We have to put lighting and heating plants in these houses often, and then they are thrown on our hands in such bad shape that we have to spend a lot of money in repairing them.

I hope some day soon Congress will view it as I have viewed it, and that we may issue bonds, if we have not the money otherwise, to put up \$40,000,000 or \$50,000,000 of public buildings in the city of Washington, as a matter of economy, and as a matter of safety, convenience, and suitability, to accommodate the offices for which buildings are rented to-day.

Mr. GILLET. The gentleman recognizes the fact that we have no jurisdiction of anything of the kind in this bill?

Mr. LIVINGSTON. No; not in this bill.

Mr. GAINES of Tennessee. Is it not a fact that the buildings which are rented are, as a rule, in the heart of the city, where rents are going up higher and higher every year?

Mr. LIVINGSTON. We are compelled to rent buildings as nearly in the heart of the city as possible. We can not go out on the edges of the District and put bureaus and divisions of departments out there. That would be inconvenient. We must have them contiguous to the other buildings. For instance, if the War Department wants an additional building, it wants it as near the department building as possible.

Mr. GAINES of Tennessee. And the rents, as a rule, are much higher near the department buildings?

Mr. LIVINGSTON. Rents as a rule are much higher. We are paying \$24,000 a year rent for the Mills Building, situated on the corner by the War and Navy Department building. I guarantee that if you will make a calculation on the cost of that building you will find that is an enormous rent.

Mr. GAINES of Tennessee. Do you know of any other similar instances?

Mr. LIVINGSTON. Yes.

Mr. BINGHAM. I have no criticism to make of the remarks of either gentleman, but this is a subject which does not belong to this bill. It belongs to the Committee on Public Buildings and Grounds.

Mr. GAINES of Tennessee. It has been overlooked in all the bills. I simply want to call the attention of the House to these facts, so that we may get at this reform in some bill after due consideration by Congress.

The CHAIRMAN. If there be no objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

Bureau of Education: For Commissioner of Education, \$5,000; chief clerk, \$2,000; editor, \$2,000; statistician, \$1,800; specialist in charge of land-grant college statistics, \$1,800; translator, \$1,800; collector and compiler of statistics, \$2,400; specialist in foreign educational systems, \$1,800; specialist in educational system, \$1,800; 2 clerks of class 4; 2 clerks of class 3; 4 clerks of class 2; 7 clerks of class 1; 5 clerks, at \$1,000 each; 6 copyists; 2 copyists, at \$800 each; copyist, \$720; 2 skilled laborers, at \$840 each; 1 messenger; 1 assistant messenger; 3 laborers, at \$480 each; laborer, \$400; in all, \$59,000.

Mr. MACON. Mr. Chairman, I make the point of order against the words "five thousand dollars," in line 24, page 122, being an increase of the salary of the Commissioner of Education.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. GILLETT] desire to be heard?

Mr. GILLETT. I think the item is clearly subject to the point of order, if the gentleman insists upon it. It was recommended last year and went out on a point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GILLETT. Inasmuch as the gentleman has caused it to be stricken out, I will submit an amendment, putting the salary back at \$4,500.

The CHAIRMAN. The gentleman from Massachusetts offers an amendment, which the Clerk will report.

The Clerk read as follows:

In lieu of the matter stricken out in line 25, page 122, insert "\$4,500."

The amendment was agreed to.

Mr. GILLETT. I also ask that the total at the end of the paragraph may be corrected.

The CHAIRMAN. If there be no objection the total at the end of the paragraph will be corrected.

There was no objection.

The Clerk read as follows:

Bureau of Manufactures: Chief of bureau, \$4,000; assistant chief of bureau, \$3,000; chief of division, \$2,100; stenographer to chief of bureau, \$1,600; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 4 clerks of class 1; 3 clerks, at \$1,000 each; 5 clerks, at \$900 each; 4 assistant messengers; 2 laborers; in all, \$35,200.

Mr. MACON. Mr. Chairman, I make the point of order against the language "three thousand dollars," in lines 6 and 7, page 48, it being an increase of salary.

The CHAIRMAN. The gentleman from Arkansas makes a point of order against the item in lines 6 and 7, page 48, reading "\$3,000 for the assistant chief of bureau."

Mr. BURLESON. I would like to ask the gentleman from Arkansas if he would withdraw his point of order if it could be shown that this employee is justly entitled to this compensation.

Mr. MACON. Certainly. I will reserve the point of order, Mr. Chairman.

Mr. BURLESON. I will say to the gentleman that this employee is engaged in the important work of revising reports that are made by special agents sent out by the Department of Commerce and Labor for the purpose of promoting our foreign trade. Two of these special agents devote themselves to the industries in which one section, the South, is particularly interested, cotton-oil industry and the cotton-manufacturing industry. This employee devotes considerable of his time to the revision of these reports and the preparing of them for publication for the use of the trade. The Committee on Appropriations looked into the work he was doing most carefully, and we felt he was fairly entitled to this compensation.

Mr. TAWNEY. If the gentleman will pardon me, I want to suggest that since the appointment of this man as assistant chief of division he has had assigned to him the duties of chief clerk of the division, which prior to his appointment were performed by another employee.

Mr. MACON. Mr. Chairman, I would like to ask the chairman of the committee a question, and that is whether this man has taken the place of an extra man?

Mr. TAWNEY. He has. He is doing the work of not only the assistant chief of division but is now doing the work of chief clerk of the division, which work was performed at the time of his appointment by another employee. And in addition to that, in the absence of the chief of division he performs the duties of chief.

Mr. BURLESON. And he is one of the most valuable employees of the department.

Mr. MACON. There is nothing in the report or in the language of the bill that indicates that anybody has been dropped or that any salary has been done away with by the removal of an officer.

Mr. LIVINGSTON. If the gentleman will allow me, nobody has been dropped, but this man stands in the place of a man who would have to be appointed.

Mr. MACON. A chief clerk would have to be appointed?

Mr. MANN. They have three chiefs in the bureau now—the chief, the assistant chief, and a chief of division.

Mr. MACON. I can not see my way clear, Mr. Chairman, to violate the policy I have been pursuing since I have been a Member of this House, for I have felt that it was wrong to increase salaries on an appropriation bill.

Mr. TAWNEY. If the gentleman will pardon me, the recommendation of the committee is to reduce the salary rather than to increase it, for the reason that this man for \$3,000 is doing the work which heretofore the Government has been paying \$2,500 for to one man and \$1,800 to another man.

Mr. MACON. What has become of the \$1,800 salary?

Mr. TAWNEY. That has been wiped out.

Mr. MACON. Well, I asked the question a while ago if anybody had been taken out.

Mr. TAWNEY. There is no longer a chief clerk.

Mr. MACON. Of course if there is a saving of \$1,800—

Mr. TAWNEY. Thirteen hundred dollars.

Mr. MACON. A saving of \$1,300. Does the gentleman state that to be a fact?

Mr. MANN. Is that the case?

Mr. TAWNEY. I would suggest to the gentleman from Arkansas that in order to make it specific he offer an amendment to the effect that this man shall perform the duties of chief clerk, so that there will be no question about his being required to do the work of the chief clerk.

Mr. KEIFER. There is no appropriation here for a chief clerk.

Mr. MANN. Was there ever such an appropriation?

Mr. KEIFER. Yes.

Mr. MACON. Mr. Chairman, I can not do much about amending these appropriation bills, because the committee is stronger than I am before the House, and I have to avail myself of such opportunities as present themselves to me to enable me to accomplish anything. I might offer an amendment that would consume the time of the House and yet not be able to accomplish anything as long as my weakness was opposed by the strength of this great committee.

But under the law I can save the American people \$500 as an individual, as a representative of the people upon this floor at this particular time, and the reasons given by the gentlemen of the committee not being satisfactory to my mind, I must insist upon the point of order.

The CHAIRMAN. The Chair will inquire of the gentleman from Arkansas what the appropriation fixed in the last appropriation bill for this official was?

Mr. MACON. Two thousand five hundred dollars.

The CHAIRMAN. The Chair sustains the point of order.

Mr. BINGHAM. Mr. Chairman, then I move to insert the \$2,500 at the proper place.

The CHAIRMAN. The gentleman from Pennsylvania offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 148, line 6, insert "\$2,500."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Without objection, the totals will be changed to correspond with the amendment.

There was no objection.

The Clerk read as follows:

The unexpended balance of the appropriation to complete the investigation into the industrial, social, moral, educational, and physical condition of woman and child workers in the United States, undertaken in accordance with act of Congress approved January 29, 1907: *Provided*, That no part of this appropriation shall be expended for the employment of any person in making said investigation who is not now in the employ of the Government or hereafter regularly appointed after competitive examination and certification through the Civil Service Commission, for the fiscal year ending June 30, 1909, is hereby reappropriated and made available for the fiscal year ending June 30, 1910.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word of the paragraph ending on line 6, page 151. The proviso in this section, Mr. Chairman, is that no person shall be appointed, and no part of this fund shall be paid to any person who is not now in the employ of this Government unless he shall undergo a competitive examination and be certified by the Civil Service Commission.

Mr. MANN. That is the existing law?

Mr. JOHNSON of South Carolina. What I want to find out is, if anybody is in this service who has not stood the civil-service examination. This is a great civil-service administra-

tion. Why this limitation upon it? Is there anybody there who has not gone through the civil-service board?

Mr. GILLETT. This provides that nobody shall be. The gentleman does not object to this provision, does he? This was passed last year. It was agreed upon in conference between the House and the Senate.

Mr. JOHNSON of South Carolina. Does the gentleman know why this provision is here? Have people been appointed to this place in disregard of the civil-service law that the committee felt called upon to insert this limitation?

Mr. GILLETT. I have forgotten the exact details. It was arranged last year in conference in the Senate. This was agreed upon. Just why I do not now remember, but it certainly is unobjectionable in its present form.

Mr. JOHNSON of South Carolina. I am not objecting to it, but I want to find out from that committee if the civil-service law has been so flagrantly violated that the committee felt called upon to incorporate this proviso in this appropriation bill.

Mr. GILLETT. It is put in this appropriation bill because it was in last year; that is all.

Mr. JOHNSON of South Carolina. But back of the proviso I want to know why it is.

Mr. TAWNEY. I will state to the gentleman what the history of that proviso is. When this law was originally enacted by Congress, it left the matter of the appointment of the people to make this investigation entirely outside of the classified service. It was so intended, and the Committee on Appropriations, in appropriating the first \$150,000 that was recommended to defray the expense of this investigation, qualified it by the language in this proviso so as to prevent the appointment of any one outside of the classified service or limited the employment to those then in the classified service or to those certified by the Civil Service Commission after a competitive examination. It was in conference between the two Houses that this proviso was added to the provision appropriating the money for the investigation which the law authorized.

Mr. JOHNSON of South Carolina. Mr. Chairman, it is exceedingly unfortunate that we find it necessary from year to year to hamper this appropriation with this limitation. I hope, therefore, that there will be no objection to an amendment which I want to offer, and that is on line 23, page 150, after the word "that," insert the word "hereafter."

Mr. MANN. This applies only to this appropriation.

The CHAIRMAN. The pro forma amendment, without objection, will be withdrawn, and the gentleman from South Carolina offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 150, line 23, after the word "that," insert the word "hereafter."

Mr. TAWNEY. It has never been expended heretofore except under this proviso.

Mr. MANN. It applies only to this.

The CHAIRMAN. The gentleman from South Carolina is recognized.

Mr. JOHNSON of South Carolina. If I had time to perfect the amendment, I think I could make it permanent law, but as it is a limitation upon this particular appropriation—

Mr. TAWNEY. I will say to the gentleman that this investigation will be completed with the money now appropriated. There is no new money asked to carry it on. It is to enable the Commissioner of the Bureau of Labor to extend the work over into the next fiscal year and expend the unexpended balance of the appropriation made for the fiscal year 1909 to meet the expenses in the fiscal year 1910.

Mr. JOHNSON of South Carolina. And with due regard to the civil-service law?

Mr. TAWNEY. Yes.

Mr. JOHNSON of South Carolina. Then I withdraw the amendment, Mr. Chairman.

Mr. MANN. Mr. Chairman, I renew the amendment as to striking out the last word.

The CHAIRMAN. The gentleman from South Carolina withdraws the amendment, and the gentleman from Illinois moves to strike out the last two words.

Mr. MANN. The gentleman from South Carolina is slightly in error in one thing, I think. The civil-service law did not apply to appointments under this appropriation. The appointments under this appropriation are not in the classified service, were not in the classified service unless covered in by act of the President, and for that reason it was thought desirable not to prevent a violation of the civil-service law and to enforce conformity with the spirit of the civil-service law, but to prevent

the appointment of outside persons in this investigation. But I would like to ask the gentleman from Minnesota whether this provision of the law has in fact been obeyed both in letter and in spirit?

Mr. TAWNEY. It has.

Mr. BURLESON. As far as you know.

Mr. MANN. I have been informed to the contrary.

Mr. TAWNEY. I will state to the gentleman that the persons engaged in making this investigation are people who were transferred from the Census Bureau and from other bureaus in the Department of Commerce and Labor regularly appointed under civil-service law, or people who took the civil-service examination in accordance with the provisions of this statute and who were certified to the head of the department under whose jurisdiction the investigation is made as being qualified for appointment.

Mr. MANN. The gentleman is aware, of course, of the intention at one time to appoint a number of persons entirely outside of the service.

Mr. TAWNEY. Yes.

Mr. MANN. I do not know what the facts may be, but I have been informed that some of these people are now engaged in doing this work. How they got into the service I do not know, but I am quite certain not through a competitive examination.

Mr. TAWNEY. I should say to the gentleman from Illinois that the head of the Department of Commerce and Labor, just before the first appropriation became available, expressed sincere regret—and did so to me—that Congress saw fit to limit the employment of people in this service to those now in the classified service or to those who may pass the examination required under the statute; that they did have a number of people who were instrumental in securing the enactment of the law authorizing and directing this investigation to be made that they wanted to appoint, and they found now that it was impossible to do so under this provision. If there has been anybody who have gone in there without taking this examination, I do not know it.

Mr. OLMSTED. What is the meaning of this language: "Not now in the employ of the Government or hereafter regularly appointed?" Ought not it to read that "No one shall be employed who has not been appointed after a competitive examination?"

Mr. TAWNEY. Well, the investigation, so far as that is concerned, has been practically completed. The work now of compiling the information obtained as a result of the investigation is all that is necessary to entirely complete the work under this statute, and the Commissioner of Labor informed the committee investigating the estimates for all appropriations under this bill that they would not ask for any additional appropriation, but they did want the unexpended balance left over from the two previous appropriations made available in order that the compilation of the results of the investigation might be made.

Mr. FITZGERALD. Mr. Chairman, I would like to inquire of the gentleman from Minnesota if he can state whether any persons transferred from any other bureau to do the work under this appropriation had gone in the civil service as a result of a noncompetitive examination?

Mr. TAWNEY. I can not state.

Mr. FITZGERALD. And then been transferred in here, or, in other words, have got in—

Mr. TAWNEY. Assuming there were some in the bureaus appointed without reference to civil service who have been transferred?

Mr. FITZGERALD. No; I am not assuming it, because under the law a man or woman might be appointed under civil service as the result of noncompetitive examination; but what was the fact, or does the gentleman know whether that has been done, that somebody went into another bureau as the result of a noncompetitive examination and had then been transferred into this?

Mr. MANN. This provision covers all that.

Mr. FITZGERALD. I know what the provision contemplates, but I would like to know what has been done.

Mr. MANN. I know; but under this provision it could not be done. I do not say it has not been done, and the provision does not speak of transfers. The provision speaks of people now in the service, now in the employ of the Government, or hereafter to be appointed by a competitive examination, and it expressly forbids the suggestion which the gentleman makes.

Mr. OLMSTED. But there might now be persons in the service of the Government and not in the classified service.

Mr. MANN. That is true, of course, but this provision, the gentleman from Pennsylvania understands, is in the law now and was not in the law when this appropriation was made.

The CHAIRMAN. The gentleman's time has expired.

Mr. TAWNEY. I ask for five minutes more; I desire to offer an amendment.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent for five minutes more. Is there objection? There was no objection.

Mr. OLMSTED. I would like to ask if there is not some typographical error in the printing of this. It seems to me, beginning on the third line, "for the fiscal year" ought to go in before the proviso.

Mr. TAWNEY. I was going to offer an amendment correcting that. That was prepared by the department and passed over in committee without having been given careful consideration. I offer the following amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The gentleman from Minnesota [Mr. TAWNEY] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Transpose all after "commission," in line 3, page 151, down to and including line 6, and insert same after word "seven," in line 23, page 150.

The CHAIRMAN. The question is on agreeing with the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Bureau of Immigration and Naturalization: For Commissioner-General of Immigration, \$5,000; assistant commissioner-general, who shall also act as chief clerk and actuary, \$3,500; private secretary, \$1,800; statistician and stenographer, with authority to act as immigrant inspector, \$2,000; 2 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 3 clerks of class 1; 8 clerks, at \$1,000 each; 6 clerks, at \$900 each; 2 messengers; 1 assistant messenger; in all, \$47,100, which, together with all other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. MACON and Mr. JOHNSON of South Carolina rose.

The CHAIRMAN. The gentleman from Arkansas [Mr. MACON] is recognized.

Mr. MACON. Mr. Chairman, I make a point of order against the language found on page 153, line 6, "five thousand dollars," and in line 8, "three thousand five hundred dollars."

Mr. LIVINGSTON. Will the gentleman withhold the point of order?

Mr. MACON. I will reserve the point of order.

Mr. LIVINGSTON. Mr. Chairman, I do not suppose that the point of order will hold against the Commissioner-General of Immigration. My recollection is that we give him the same salary that he held before. Am I right about that?

Mr. GILLET. Mr. Chairman, if the gentleman will allow me, this is subject to the point of order, but I think if the gentleman understood it he would withdraw it, because by statute he now gets \$4,000, but there is paid to him annually, and has been for many years, under the sundry civil bill, \$1,000 in addition from the fund for the Chinese exclusion. So he gets the same salary. We thought it would be better to show on the face of it just what his salary was, and to make it one sum, so that while in phrase this is an addition, and while in appearance and technically it is subject to the point of order, it really does not substantially make any difference, and we thought it better legislation to have just what he was getting appear in one place.

Mr. LIVINGSTON. In regard to the other salary, I want to repeat to the gentleman from Arkansas [Mr. MACON] that this is the same salary he has been getting, namely, \$1,000 from the lump sum of the head tax of the immigrants, and instead of having his salary in that state we withdrew the thousand dollars from the lump sum of the head tax and made his salary \$5,000.

In regard to the other salary that the gentleman makes a point of order upon, Mr. Chairman, I will say this gentleman is the assistant commissioner-general, and for the last twelve months, or very nearly twelve months, he has been acting commissioner-general and was really entitled to that gentleman's salary all this time. He is not only the assistant commissioner-general, but he is the chief clerk. He is not only the chief clerk, but he is the actuary of that bureau. He is the busiest man, perhaps, of any man in the service in Washington. And that is not all. He is one of the most valuable men that we have in the service, and the three duties which I have mentioned have been put on him. Now, we could have given the commissioner-general an assistant at \$3,000. We could have kept him as chief clerk and actuary at his old salary of \$3,000. This increase of \$500 saves to the Government, if he is able to

continue to perform these duties, the salary of an assistant commissioner-general.

Mr. FITZGERALD. When will this gentleman be relieved from the necessity of performing the duties of the commissioner-general?

Mr. LIVINGSTON. He will not be relieved at all.

Mr. FITZGERALD. Will he not be able to devote his time to his other duties and perform them properly without this increased compensation?

Mr. LIVINGSTON. He is assistant commissioner-general, Mr. Chairman, now. He will be assistant commissioner-general if this law is passed and approved by the President for the next fiscal year. The gentleman is presuming that he will be free from it; but he will not be.

Mr. FITZGERALD. I think the gentleman is mistaken in what he attributes to me. The gentleman asserted that this man had for the past year been performing the duties of the commissioner-general, in addition to his other duties. That was due to the unfortunate illness of the recent occupant of the office, who died.

Mr. LIVINGSTON. Suppose this new man gets sick. This man must do the work.

Mr. FITZGERALD. This new man is not going to get sick, because he is an active, vigorous man, who contributed valuable services to the Republican party in the recent campaign. Such men do not get sick immediately after taking office under this administration.

Mr. LIVINGSTON. I am not speculating as to the future, and do not want to gamble on it in this instance; but the facts remain, all the same, that when the commissioner is absent, either from sickness or any other cause, this man fills his place. He is the assistant commissioner-general, and I want to say to the gentleman from Arkansas that this is a saving of money, to give this sum of \$500 to a man who holds three positions in the bureau, a man who can not be spared, and one of the most valuable men in the service.

Mr. MANN. Will the gentleman from Georgia yield to a question?

Mr. LIVINGSTON. Certainly.

Mr. MANN. Is the reason that the committee recommended the increase in the salary of the assistant commissioner the fact that it is supposed that the new commissioner, having been recently appointed purely for political reasons, will be disqualified from performing the actual duties of the office, and they expected the assistant commissioner to keep on really performing them?

Mr. LIVINGSTON. At present the new commissioner is not conversant with the duties of his position.

Mr. MANN. Is that what actuated the committee?

Mr. LIVINGSTON. No. He is a new man. The Secretary of Commerce and Labor, before the President issued the order that there should be no recommendation of increases, put this man in for \$4,500; but when the President issued the order that there should be no increases recommended, of course the \$4,500 went out.

Mr. TAWNEY. Will the gentleman from Georgia yield to me for a question?

Mr. LIVINGSTON. Certainly.

Mr. TAWNEY. Is it or not a fact that the assistant commissioner has two subordinates who are receiving higher compensation than he is?

Mr. LIVINGSTON. He has two division chiefs, Mr. Powderly and Mr. Campbell, who receive \$3,500 as chiefs of divisions, and they are under this man. They are under him as chief clerk, and they are under him as assistant commissioner.

Mr. MACON. I wish I could get after them. If I could I would reduce their salaries a thousand.

Mr. FITZGERALD. Mr. Chairman, I think we ought to be frank about this matter. The Commissioner-General of Immigration has been receiving a salary of \$4,000 a year, and \$1,000 additional from the Chinese-exclusion fund. The man who recently occupied this place was an effective, an efficient, and honest commissioner-general. He enforced the Chinese-exclusion act in so efficient a manner that he was directed by a superior not to be so active in the enforcement of the act. He protested to the Committee on Appropriations two or three years ago that because of these instructions the Chinese were coming into this country in violation of the law. If that law is not to be enforced as it should be, of course it would be improper to pay this \$1,000 as additional compensation out of the fund placed at the disposal of the commissioner-general, because of the additional duties supposed to be performed by him. This new chief of the bureau, recently appointed under circumstances with which all are familiar, will not under this order enforce

the Chinese-exclusion act in the manner intended by Congress. Therefore, these additional duties will not be devolved upon him, and there is no reason why he should receive the compensation for that purpose. But in order to give this gentleman the same compensation, it is now proposed to do away with the pretense and hypocrisy, and increase his compensation to \$5,000. I have no sympathy with the proposal. I am glad that the gentleman from Arkansas has made the point of order, and I sincerely trust he will insist upon it.

Another thing in connection with the late Mr. Sargent, who was Commissioner-General of Immigration. He was practically stripped of his powers as the head of that bureau by the recent organization of the Bureau of Naturalization and Immigration.

He was pushed to one side and not permitted to perform his duties in the manner in which he was capable of performing them. This assistant commissioner, who for a year, during the commissioner's illness, was performing those duties and also his own duties of assistant commissioner, as well as the duties of the actuary and the duties of the chief clerk, must have had a pretty easy task in one or another of these positions in order to be able to perform the duties of so many places so efficiently. Now that an efficient man has been appointed to discharge the most important duties that must be discharged in that office, relieving the assistant to that extent and enabling him to devote his great talents and genius to the performance of the duties of the other three or four offices, it is proposed not only to relieve him from some of his labors, but to increase his salary as a compensation for the relief that is given to him. There is a lot of hypocrisy about the whole business, and I hope that the gentleman from Arkansas [Mr. Macon], now that he has been furnished some real information about the matter, will insist on his point of order. I have no sympathy with the movement to pay political debts in this manner. We have had a lot of it recently, and it is time to stop it, and stop it effectively.

Mr. LIVINGSTON. Mr. Chairman, I insist on a division of the proposition. The gentleman from Arkansas has two amendments.

The CHAIRMAN. The question will be divided.

Mr. MACON. Mr. Chairman, I regret very much that even a suggestion of politics has been drawn into this matter. When it comes to legislating for the country's good, I do not think we ought ever to allow ourselves to be drawn away from the real issue or to allow our minds to be poisoned against what we are undertaking to do by a suggestion of politics. Politics should have nothing to do with legislation here if it is our purpose to do the best we know how for our country.

The first point of order that I made was against the increase of the salary of the Commissioner of Immigration and Naturalization. I insist that that point of order must necessarily be good, because the salary heretofore paid him has been \$4,000 per annum.

The CHAIRMAN. The Chair is ready to rule on the point.

Mr. MACON. Since gentlemen have said so much about the matter, I should like to have an opportunity to say a few words myself, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MACON. As I said, Mr. Chairman, the salary heretofore has been \$4,000. By this bill it is sought to make it \$5,000. When that amount once gets into an appropriation bill as the salary of the commissioner it will be \$5,000 forever, or until it is increased by some future Congress, for it will never be reduced. We have no assurance whatever that this will be the only amount that will be paid this commissioner if we allow this appropriation to stay in this bill, for when the sundry civil bill is brought in it may carry a provision giving him \$1,000 for his services in connection with the enforcement of the Chinese-exclusion act, just as has been done heretofore, and then he will receive \$6,000 instead of the \$5,000 carried in this bill. Anyway, sir, I prefer that the language of the law as now written shall remain upon the statute, rather than have it changed to give him a straight salary of \$5,000 in this bill, with the possibility—nay, probability—of his having the \$1,000 given to him in the sundry civil appropriation bill. We could not make a point of order against it then, because it has been carried in appropriation bills from time to time and has become existing law by reason thereof. So I insist upon the point of order against that provision.

Now, as to the second point of order which I have made against the increase of the assistant's salary, I will say that if it could be shown that the increase is only to be given for the same period of time that the gentleman has had to perform a double duty—that of the commissioner as well as the duties of his own position—I would not raise my voice against it, because that would, in a measure, be just. But if you increase his salary for all time because he did for a few months dis-

charge the duties of the commissioner, you will have overdone the thing, and consequently will have done an injustice to those who are called upon to pay the increase.

I do not think that a wise policy, a wise plan of legislation. I believe that the salary now given to the gentleman is ample compensation for all of the services that he is being called upon to perform at this time, and that is all that we have got to deal with—conditions as they now are, the necessities as they now exist. For that reason, Mr. Chairman, I insist on the second point of order. Politics has nothing to do with it. I know no North, no South in connection with this question. I do not know whether anybody is being paid a political debt on the one side or on the other. The question to be considered is, Is it right? If it is right to increase the salary in this way, then the provision ought to remain in the bill; but if not right, then I want it to come out.

The CHAIRMAN. Does the Chair understand that the gentleman insists on both points of order?

Mr. MACON. I do.

The CHAIRMAN. The first point of order is directed to the item giving \$5,000 to the Commissioner of Immigration, and the Chair sustains the point of order.

The second point of order is to the provision giving \$3,500 to the assistant commissioner-general, and the Chair sustains the second point of order.

Mr. LIVINGSTON. Mr. Chairman, I offer an amendment that the original salaries there be restored as in the present law—\$4,000 to the commissioner-general and \$3,000 to the assistant commissioner-general.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend so as to read:

"To the Commissioner-General of Immigration, \$4,000; to the assistant commissioner-general, who shall also act as chief clerk and actuary, \$3,000."

The amendment was agreed to.

Mr. JOHNSON of South Carolina. Mr. Chairman, I move to strike out the last word. I make this motion for the purpose of calling the attention of the committee to what appears to me to be very unwise legislation and an evil that ought to be corrected. A year and a half or two years ago Congress provided for a special commission of immigration. That commission consists of three Senators, three Representatives, and three citizens appointed by the President of the United States. No life was fixed for the commission. It continues indefinitely. Nobody has control over it. Its expenses are paid out of a permanent fund. It is a permanent appropriation over which Congress has no control, and the Department of Commerce and Labor has no control over it except to pay its bills.

In order that the committee may understand the situation as it now exists, I send to the Clerk's desk to have read in my time the hearings before the committee.

The Clerk read as follows:

Mr. LIVINGSTON. Can you tell us what it cost for the congressional party's trip abroad?

Secretary STRAUS. You mean the commission that was appointed under the last immigration act?

Mr. GILLET. About a year ago.

Secretary STRAUS. I can only give you the amount of money that they have drawn from the immigration fund.

Mr. LIVINGSTON. That is what I am after.

Secretary STRAUS. I can give you the sum total, but I can not give you any of the items of expenditure. They are not under my jurisdiction in any form, shape, or manner.

Mr. TAWNEY. Under whose jurisdiction are they?

Secretary STRAUS. Under the jurisdiction of that commission. That commission simply makes drafts upon us for \$25,000 or \$50,000 at a time.

Mr. TAWNEY. Who audits their accounts?

Secretary STRAUS. I can give you no answer upon that subject.

Mr. TAWNEY. Their accounts must be audited.

Mr. BURLESON. Their accounts are audited by the Auditor for the State and other Departments.

Secretary STRAUS. They are entirely outside the jurisdiction of the Department of Commerce and Labor.

Mr. LIVINGSTON. Can you furnish us with an itemized statement as to the expenditures at Ellis Island?

Secretary STRAUS. Yes, sir.

Mr. BURLESON. You can put in your remarks the amount that they have drawn from the immigration fund?

Secretary STRAUS. Yes, sir; I can give you a statement of the amount of money they have drawn.

Mr. BURLESON. When you come to revise your remarks, put it in.

Secretary STRAUS. I certainly can. Only yesterday or the day before they drew \$15,000.

Mr. GILLET. The law authorizes them to do that?

Secretary STRAUS. Yes, sir.

Mr. LIVINGSTON. Have they developed or secured any information so far that we could not have gotten out of your department, to the best of your knowledge and belief?

Secretary STRAUS. I do not feel that I am in a position, as the head of the Department of Commerce and Labor, to answer that question,

for the reason that I am not informed, except in a small degree, of the line of work they have done.

Mr. BURLINSON. Surely you can state whether they have brought any information to you which has been of value to you as head of your department.

Mr. BINGHAM. Did the act of Congress give you in any way authority as to their action or responsibility as to their action?

Secretary STRAUS. It did not.

Mr. BINGHAM. Therefore, you know nothing about it officially?

Secretary STRAUS. No, sir.

Mr. LIVINGSTON. Will you designate somebody in your department—and I know you have him—who can give us the information I have asked for? Have they developed so far anything to the advantage of the Government or the country or the world that could not have been obtained right out of your office?

Secretary STRAUS. I think I am about as competent to answer that question as perhaps anybody in the department.

Mr. LIVINGSTON. I think so, too.

Secretary STRAUS. I have no objection to designating anyone in the department if you have in view anybody in the department that you desire to come before you. I do not want you to misunderstand me on that subject. I want to make it as clear as it is possible to make it.

Mr. LIVINGSTON. You see what I want to get. I want to get the expense and the value of that expense to the country, if I can.

Secretary STRAUS. I understand.

Mr. LIVINGSTON. How much value have they been to us?

Secretary STRAUS. I understand that, but, as I said, it is impossible for me or anyone in the department to give you a comprehensive or satisfactory answer to your question, because neither I nor anyone else in the department is entirely conversant, with the exception of the assistant secretary of the department, who is also a member of the Immigration Commission.

Mr. LIVINGSTON. I should think he was competent.

Secretary STRAUS. He ought to be competent to answer that question, because he has knowledge of what the commission has performed as well as what is done in the department. Assistant Secretary Wheeler, I should think, would be able and ought to be able to answer that question, not because he is Assistant Secretary of the Department of Commerce and Labor alone, but because he is a member of that commission and subsequently was employed as Assistant Secretary of the Department of Commerce and Labor.

Mr. TAWNEY. How many years has this commission been working?

Secretary STRAUS. It organized in accordance with the last immigration act, section 39, I think.

Mr. TAWNEY. Three years ago?

Secretary STRAUS. No; about a year and a half ago. The act went into effect on the 1st of July, 1907. I think that it is in accordance with that provision of law.

Mr. TAWNEY. The expenses of the commission were appropriated out of the permanent appropriation?

Secretary STRAUS. Out of the immigration fund.

Mr. TAWNEY. That is a permanent fund?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. It is one of the permanent annual appropriations.

Secretary STRAUS. I want to answer a little further the question of Mr. LIVINGSTON. There have been some matters brought to the attention of my department by members of that commission in reference to an investigation made, especially in connection with the Chinese immigration and particularly in southern California, which are not yet concluded, showing certain irregularities in that service which have been of benefit to the department.

Mr. BURLINSON. Of minor benefit?

Secretary STRAUS. I should say of minor benefit.

Mr. TAWNEY. Were the discoveries made of such a character that an intelligent immigration agent or inspector could not ordinarily have made the same discoveries in the exercise of his duties?

Secretary STRAUS. All the matters that have been brought to the attention of the department by this commission were such that the department itself could have readily discovered them.

Mr. BINGHAM. That commission makes its report to Congress and not to you?

Secretary STRAUS. That is correct.

Mr. BINGHAM. And further than that, the item in this bill under your department that covers the salaries for the Bureau of Immigration is in no wise connected with the special act for the organization of this commission?

Secretary STRAUS. Not in any way.

Mr. BINGHAM. The commission is wholly independent?

Secretary STRAUS. Yes, sir; that is very correct. I think it will be found that considerable of the work of the commission has been run on lines that the department works on.

Mr. TAWNEY. Who constitute this commission?

Secretary STRAUS. There are three members of the Senate, three Members of the House, and three members appointed by the President. The three members appointed by the President are Commissioner Neill, of the department; Mr. Wheeler, who since his appointment on that commission has been appointed Assistant Secretary of the Department of Commerce and Labor; and Professor Jenks, of Cornell University.

Mr. TAWNEY. What is the life of the commission?

Secretary STRAUS. There is no life fixed for it.

Mr. BURLINSON. Is it perpetual?

Secretary STRAUS. There is no life fixed.

Mr. TAWNEY. There is no tenure of office?

Secretary STRAUS. No, sir.

Mr. TAWNEY. And the expense is about \$300,000 a year?

Secretary STRAUS. I think, according to my best recollection, it has cost at the rate of about \$300,000 a year, maybe a little less.

Mr. LIVINGSTON. How long was the commission abroad?

Secretary STRAUS. I am unable to answer that question. I think not all the members were abroad. I know Mr. Neill was not; he had too much work here.

Mr. TAWNEY. Mr. Secretary, I see that, among other things, section 39 of the immigration act creating this commission provides that:

"Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized, to be paid out of the 'immigrant fund' on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress."

There are three members of this commission who are not members of Congress. What compensation has the President fixed for those three members?

Secretary STRAUS. I can not tell you from accurate knowledge; but my belief is that the amount that they are entitled to receive is \$7,500 a year.

Mr. LIVINGSTON. And expenses?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Two of the members appointed by the President on that commission are holding office under the Government now?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Commissioner Neill and Assistant Secretary Wheeler, of the Department of Commerce and Labor?

Secretary STRAUS. Yes, sir.

Mr. TAWNEY. Do they receive \$7,500 in addition to their salaries as Commissioner of Labor and as Assistant Secretary of the Department of Commerce and Labor?

Secretary STRAUS. No, sir.

Mr. TAWNEY. Do they not receive the salaries allowed by law as Commissioner of Labor and as Assistant Secretary of the Department of Commerce and Labor?

Secretary STRAUS. My understanding is that to their present salaries is added an amount to equal \$7,500. In other words, the Assistant Secretary of the Department of Commerce and Labor's statutory salary is \$5,000, and, I think, he receives out of the fund of the commission an additional \$2,500, making \$7,500. Of course, they will be able to answer that question.

Mr. TAWNEY. I did not know whether you knew it or not.

Secretary STRAUS. I know it from hearsay.

Mr. TAWNEY. The compensation received by Professor Jenks is \$7,500?

Secretary STRAUS. That is my understanding.

Mr. TAWNEY. He is not in the Government's employ?

Secretary STRAUS. He is not; no, sir.

Mr. TAWNEY. And he receives that compensation without regard to the amount of time he devotes to the work of the commission?

Secretary STRAUS. I think the commission will have to answer that question, because I do not know.

Mr. JOHNSON of South Carolina. Now, Mr. Chairman, in perfect good faith, I want to appeal to the chairman of this committee, or to those in authority, to say how long we are to continue under this system of permanent appropriations that Congress can have no control over from year to year. How long are we to have commissions appointed to whose existence there is no end fixed by law, absolutely without limitation and absolutely without the jurisdiction of any government authority, as this commission seems to be? It seems to be an evil way of legislating and an unwise way of conducting the Government. I am not responsible for the laws as they are or as they may be. I simply call attention to this fact, which I consider a great evil.

Mr. TAWNEY. Mr. Chairman, in answer to the gentleman from South Carolina, I will say that I can not say to him or to the House how long the practice of enacting permanent appropriations will continue. He does not regret it any more than I do, but thus far it has been impossible to check the growth of permanent appropriations or to repeal any of those that are now on the statute books. We are this fiscal year expending about \$155,000,000 under permanent appropriations, some of them definite and some of them indefinite. The particular permanent indefinite appropriation out of which the expense of this immigration commission has been paid will be repealed at this session of Congress if the recommendation the Committee on Appropriations will hereafter make to the House is adopted, which recommendation will be in line with the recommendation of the Department of Commerce and Labor.

In the estimate submitted for the specific appropriations for carrying on this service, the Secretary of Commerce and Labor recommends the repeal of this permanent appropriation; but how long the Government will continue to expend money under permanent appropriation laws nobody can tell, for at every session of Congress we are increasing the number of permanent appropriations on the statute books and increasing the aggregate amounts paid by the Government of the United States under such permanent appropriations. These expenditures are expenditures over which Congress has no control whatever. The expenditures are made without any report from the department in most of the cases as to the object or purposes for which the expenditure is made, and the expenditures in most instances are made within the discretion of the heads of the departments or the bureau chiefs authorized under the law to make such expenditures. Whether we shall ever get down to a business basis of appropriating annually for annual expenditures is a question that neither I nor any other Member of Congress can answer until Congress ceases to make these appropriations. The responsibility for them is upon Congress and not upon any committee of Congress nor upon any executive department of our Government.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read. The Clerk read as follows:

For the purpose of carrying into effect the provisions of the act approved June 29, 1906, entitled "An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the

naturalization of aliens throughout the United States," namely: Chief of Division of Naturalization, \$3,500; assistant chief of division, \$2,500; 3 clerks of class 4; 3 clerks of class 3; 5 clerks of class 2; 7 clerks of class 1; four clerks, at \$1,000 each; 2 clerks, at \$900 each; 1 messenger; 1 assistant messenger; in all, \$38,960.

Mr. GILLET. Mr. Chairman, I ask unanimous consent to return to the first paragraph on this immigration section for the purpose of offering an amendment to change the totals to correspond with amendments.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to return to the preceding paragraph for the purpose of offering an amendment changing the totals. Is there objection? [After a pause.] The Chair hears none. Without objection, the totals will be made in accordance with the provisions adopted.

There was no objection.

The Clerk read as follows:

For chief of division, \$3,500; assistant chief of division, \$2,500; 2 clerks of class 4; 1 clerk of class 3; 2 clerks of class 2; 3 clerks of class 1; 1 clerk, \$900; 1 messenger; in all, \$19,340, which shall be paid from the permanent appropriation for expenses of regulating immigration.

Mr. MANN. Mr. Chairman, I move to strike out the last word, merely for the purpose of saying that a few moments ago, on the other paragraph, there was more or less discussion in regard to the new Commissioner of Immigration. Whatever may have been the fact, or whatever may be the fact concerning the reasons for his appointment, so far as politics are concerned, whether his appointment was made in conformity with any agreement in advance or in payment of political service in any way, I think it is absolutely true, it is certainly fair to him to understand it and to state it if it be true, that Mr. Keefe is well qualified for the performance of the duties of that office, and is just as anxious to enforce the Chinese immigration law as the gentleman from New York [Mr. FITZGERALD], whom I do not see just at present in his seat, but who assumed that under the new régime that law would not be enforced. I dare say there is no man in the country more anxious to observe the Chinese immigration law or the other labor laws of the country affecting immigration than the Commissioner of Immigration, who stands high in labor circles and who has always through his work shown his ability to perform his work well.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn, and the Clerk will read.

The Clerk read as follows:

SEC. 4. When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section 4 of the legislative, executive, and judicial appropriation act, approved June 22, 1906, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law.

Mr. SMITH of Iowa. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

SEC. 5. Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all permanent and continuing appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency.

Mr. MANN. Mr. Chairman, on that I reserve the point of order.

Mr. SMITH of Iowa. Mr. Chairman, in the early history of this Government, when the collection of revenue and the expenditure of it were both under the charge of the Committee on Ways and Means of the House, a means was at hand to see to it that the expenses of the Government did not exceed its revenues. With the separation of the work of the Appropriation Committee from that of the Ways and Means Committee and with the subsequent assignment of many bills for the appropriation of money to other committees than that upon appropriations, we have ceased to have any single person or body charged with the duty of seeing that the expenses of the Government are brought within its revenues.

We are perhaps the only country that has no provision whatever of this nature. In countries having a responsible ministry the burden rests upon the ministry to see that the expenses of the government do not exceed the revenues of the government.

Under our system each bureau and branch of the department reports its estimates to the head of the department; the head of the department sends these estimates to the Secretary of the Treasury; the Secretary of the Treasury sends them to Congress; they are here distributed among numerous committees having no charge of the revenues; each committee is impressed with the importance of its branch of the public service, and the direct tendency, therefore, is for each appropriating committee to think that the necessary reductions should be made in some other branch of the public service than that under their immediate control.

This amendment seeks to establish means for bringing the expenses within the revenues by providing that whenever the estimated expenses in any year exceed the estimated revenues, the Secretary of the Treasury shall transmit those estimates to the President of the United States, who is the head of all the departments, that he may recommend reductions to Congress to bring the expenses within the revenues, or if that be impracticable, that he may recommend to Congress what loans shall be made or new taxes be imposed to meet the deficiency. It thus casts upon the head of the Government and the head of all the departments the direct responsibility for seeing to it that the expenses do not exceed the revenues. Such a measure was never more heeded than now, and for several reasons. In the very year in which we now are it is probable that the expenses of the Government will exceed the revenues by more than \$100,000,000, and the estimates of appropriations for next year exceed the estimated revenues by about \$140,000,000.

There can be no excuse in a land like this, in time of profound peace and unbroken prosperity, for us to spend annually more money than we take into the Treasury, and some method must be devised for bringing the expenses within the revenues. Recently the President of the United States admonished the Cabinet that they must not recommend increases to this Congress, and this serves to illustrate how easy it is for the head of the Government, in its executive branch, to aid in keeping the estimates within the revenues, and this bill provides that these estimates shall be sent to him, first, that he may reduce the estimates, and secondly, if that be impossible, that he may report to Congress where means are to be derived, whether from loans or new taxes upon the people, to meet the deficiency. I hope that the point of order will not be made and that this amendment will be unanimously accepted by the House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, I would like to ask the gentleman from Iowa a question or two, if I may. As to the effect of this, as far as I can see the only effect of the amendment is to require a statement in detail of the estimates, together with the estimated receipts, to be transmitted to the President of the United States.

Mr. SMITH of Iowa. And to cast upon him, as far as may be done under the Constitution, the responsibility, as head of all the departments, for a deficiency, if one exists.

Mr. MANN. Well, I take, so far as casting responsibility upon the President is concerned concerning his annual messages, that the Constitution itself fixes the responsibility upon him of making recommendations, and that it is not within the province of Congress to tell the President what recommendations he shall make or along what line he shall make recommendations. We have no such constitutional authority.

This, as far as I can see now, only gives to him or brings to his attention certain information which otherwise might not be brought to his attention, and gives him an opportunity to make such recommendations as he might choose under the Constitution.

Mr. SMITH of Iowa. The gentleman in a sense is right that we have no power, and as this bill is drawn we have no means of requiring the President to send a specific message to Congress, but if the Congress provides for sending these estimates to him that he may advise them, I have no doubt that any ordinary President would receive this practical request from Congress that they wanted him to supervise the estimates of the departments, of which he is in fact the head.

Mr. MANN. Well, Mr. Chairman, upon that point the very essence of our constitutional government requires that the method of raising additional tax shall be made in this body; and if the purpose of the amendment be to require the President, at the beginning of every session of Congress, to send to this body specific recommendations as to how additional taxes can be made, it is highly improper.

Mr. SMITH of Iowa. The gentleman is in error.

Mr. MANN. I am not so sure whether I am or not.

Mr. SMITH of Iowa. In this sense, that while the bill must originate in this House, the thoughts do not have to originate

in this House; and repeatedly Presidents of the United States have recommended new taxation systems to the country, and probably there is no one subject that has been referred to more often in the messages of the Presidents of the United States than the revenues of the United States.

Mr. MANN. All of which is absolutely true. The President, under the Constitution, has the power to make such recommendations as he may deem proper for the benefit and welfare of the country, but for us to require the President, or to request the President, to give us specific directions as to how additional taxes should be raised is only waiving half of our present privileges.

Mr. SMITH of Iowa. It does not waive any privilege whatever. We have absolute control over the matter, but we request that the one who recommends that we spend more money than we are going to receive shall at the same time tell how he expects to get the money to pay that expense. That is all.

Mr. LIVINGSTON. Suppose you confine it to the Secretary of the Treasury?

Mr. SMITH of Iowa. That would be utterly impracticable. The Secretary of the Treasury would not control the estimates of any other department of this Government but his own, and if such a power should be conferred upon him it would be unwise, because the whole tendency would be to make the cut in other departments and not the Treasury Department.

Mr. MANN. Undoubtedly the purpose of the amendment is to require the President of the United States to see that we can get the money when he recommends the expenditure. The purpose of the amendment is to put the President in a hole. But my observation has been that we seldom have a President who is not fully able under such circumstances to put the House of Representatives in the hole and not be in the hole himself.

Mr. TAWNEY. If the gentleman from Illinois will permit me, as I understand—

The CHAIRMAN. The time of the gentleman has expired.

Mr. TAWNEY. I ask that the gentleman from Illinois [Mr. MANN] have five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. TAWNEY. As I understand the amendment offered by the gentleman from Iowa [Mr. SMITH], it is not so much to require or request the President to advise how additional revenues shall be raised in order to meet the deficit, but for the purpose of getting his aid and assistance in keeping down the estimated expenditures for the next fiscal year. If the President exercises that power, there is no question but that he can reduce expenditures more effectively and to a far greater extent than it is possible for Congress to do without a recommendation of that kind from him.

Mr. MANN. Doubtless there is a great deal in the proposition of sending in some way to the President the estimates, so as to call his attention to the fact that the estimated expenses are invariably larger than the estimated receipts.

Mr. TAWNEY. No; the appropriations have not been invariably larger than the estimated expenditures.

Mr. MANN. I do not think there has been a year since the gentleman has been in Congress, or in the last forty years, where the estimated expenses have not been larger than the estimated receipts.

Mr. FITZGERALD. The gentleman is very much mistaken. If he will read the President's message, he will see that since 1892 there have been only two years in which the estimated expenditures have been greater than the estimated revenues.

Mr. MANN. The gentleman is mistaken. There have only been two years when the estimated revenues have not been greater than the actual expenditures, and the gentleman is confusing actual expenditures with estimated expenditures.

Now, here is a proposition to submit the Book of Estimates to the President for his perusal. It may be that members of the Committee on Appropriations read the Book of Estimates through. Nobody else ever does. It does not require the President to read, it only requires him to act upon it. I have very great doubt myself of the desirability of such an amendment without fuller consideration. The general purpose of the amendment I think everybody is in accord with.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. SMITH of Iowa. None has been made.

The CHAIRMAN. It was reserved, not made.

Mr. MANN. I am perfectly willing to let the House take the responsibility of waiving its privileges if it wants to, right after the assault on its privileges by the President, and that you shall have the privilege of saying whether you shall go on kissing the hand that beats you.

Mr. GARRETT. I reserve the point of order.

Mr. MANN. I withdraw the point of order.

Mr. CLARK of Missouri. I renew it.

The CHAIRMAN. The Chair sustains the point of order. The Clerk will read.

The Clerk resumed and concluded the reading of the bill.

Mr. BINGHAM. I ask unanimous consent to make some changes in the totals and some clerical amendments.

The Clerk read as follows:

On page 27, in line 2, strike out "five hundred and eighty" and insert "four hundred and twenty."

On page 41, in lines 24 and 25, in lieu of the sum proposed insert "\$259,800;" and on page 117, in line 20, strike out the semicolon and insert in lieu thereof a comma.

The CHAIRMAN. Without objection, the amendments will be agreed to.

There was no objection.

Mr. BINGHAM. Mr. Chairman, I move you, sir, that the committee do rise and report the bill and amendments to the House, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 23464—the legislative, executive, and judicial appropriation bill—and had instructed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. BINGHAM. I move the previous question on the bill and amendments to its passage.

The previous question was ordered.

The SPEAKER. Is a separate vote demanded on any of the amendments? If not, the amendments will be voted on in gross.

No separate vote was demanded.

The question was taken, and the amendments were agreed to in gross.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. BINGHAM a motion to reconsider the vote by which the bill was passed was laid on the table.

PERSONAL REQUEST.

Mr. PRINCE, by unanimous consent, obtained leave of absence for five days on account of important business.

Mr. WEEKS, by unanimous consent, obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of William H. Gildersleeve (H. R. 2984), Fifty-ninth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. BINGHAM. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 11 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the commissioner of the Freedman's Savings and Trust Company, transmitting the report of the company for the year ended December 1, 1908—to the Committee on Banking and Currency and ordered to be printed.

A letter from the Postmaster-General, transmitting a report of action taken during the year ended June 30, 1908, upon claims of postmasters on account of burglary, fire, theft, etc.—to the Committee on Expenditures in the Post-Office Department and ordered to be printed.

A letter from the Secretary of the Interior, transmitting the seventh annual report of the Reclamation Service—to the Committee on Irrigation of Arid Lands and ordered to be printed.

A letter from the Commissioner of Indian Affairs, transmitting a supplemental report as to the disposal of nonreservation Indian schools—to the Committee on Indian Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting, with a copy of a letter from the Auditor for the Post-Office Department, a recommendation of legislation for the relief of deputy auditors—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. WANGER, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 22879) to amend an act entitled "An act to amend an act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908, reported the same with amendment, accompanied by a report (No. 1794), which said bill and report were referred to the House Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 23137) for the relief of Malcolm Gilliss—Committee on the Post-Office and Post-Roads discharged, and referred to the Committee on Claims.

A bill (H. R. 13704) granting a pension to Jacob Metzger—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SMITH of Michigan: A bill (H. R. 23706) to amend the act approved May 28, 1908, entitled "An act to regulate the employment of child labor in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. ASHBROOK: A bill (H. R. 23707) to incorporate the Imperial Palace, Dramatic Order, Knights of Khorassan—to the Committee on the District of Columbia.

By Mr. GOEBEL: A bill (H. R. 23708) authorizing a survey, plans, and estimates for the purpose of establishing an ice harbor on the Ohio River at or near the outlet of Mill Creek at Cincinnati, Ohio—to the Committee on Rivers and Harbors.

By Mr. FULTON: A bill (H. R. 23709) to establish an enlisted men's naval academy—to the Committee on Naval Affairs.

By Mr. PRINCE: A bill (H. R. 23710) to resubdivide squares 37 and 38 of C. Wilhelmina Dobbins's addition to the city of Washington—to the Committee on the District of Columbia.

By Mr. LEVER: A bill (H. R. 23711) to build a bridge across the Santee River, South Carolina—to the Committee on Interstate and Foreign Commerce.

By Mr. MALBY: A bill (H. R. 23712) for the improvement of the harbor at Plattsburg, N. Y.—to the Committee on Rivers and Harbors.

By Mr. SMITH of Missouri: A bill (H. R. 23713) authorizing the construction of a bridge across Current River, in Missouri—to the Committee on Interstate and Foreign Commerce.

By Mr. PEARRE: A bill (H. R. 23714) for the laying out and construction of a boulevard as a memorial to Abraham Lincoln from the city of Washington, in the District of Columbia, to the battlefield of Gettysburg, in the State of Pennsylvania, by way of the battlefield of Antietam, in the State of Maryland—to the Committee on Appropriations.

By Mr. GARDNER of Massachusetts: A bill (H. R. 23715) relative to outward alien manifests on certain vessels—to the Committee on Immigration and Naturalization.

By Mr. HAWLEY: A bill (H. R. 23716) extending the operation of pension laws in favor of the officers and soldiers of Indian wars to include the officers and soldiers of the Bannock war, Oregon and Washington, of 1878 and 1879—to the Committee on Pensions.

By Mr. HUMPHREY of Washington: A bill (H. R. 23717) to extend the time for construction and beginning construction of the Alaska Short Line Railroad in Alaska—to the Committee on Territories.

By Mr. KEIFER: A bill (H. R. 23718) granting an increase of pension to all persons who have lost the sight of one eye from causes originating in the military or naval service of the United States—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 23719) for the relief of sufferers from the flood which occurred by the overflow of the Cape Fear River in the counties of Bladen, Cumberland, and Harnett, in the State of North Carolina, in the month of August, 1908—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 23720) to create in the War and Navy departments, respectively, a roll to be known

as the "civil war officers' annuity honor roll;" to authorize placing thereon, with pay, certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war, and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 23847) to provide for the erection of a public building at Rochelle, in the State of Illinois—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: Joint resolution (H. J. Res. 202) authorizing the granting of permits to the Committee on Inaugural Ceremonies on the occasion of the inauguration of the President-elect on March 4, 1909, etc.—to the Committee on the District of Columbia.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 23721) granting a pension to Amos Headley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23722) granting a pension to Benjamin F. Seman—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 23723) granting an increase of pension to William Voorhes—to the Committee on Invalid Pensions.

By Mr. AMES: A bill (H. R. 23724) granting a pension to John Collins—to the Committee on Pensions.

Also, a bill (H. R. 23725) granting a pension to Michael Lanergan—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 23726) granting a pension to Eliza Oldham—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 23727) granting an increase of pension to John S. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23728) granting an increase of pension to Jeremiah Rainey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23729) granting an increase of pension to William W. Hoffer—to the Committee on Invalid Pensions.

By Mr. BARCHFIELD: A bill (H. R. 23730) for the relief of Freeman, Richardson & Co.—to the Committee on Claims.

By Mr. BARNHART: A bill (H. R. 23731) granting a pension to Clark R. Parcel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23732) granting a pension to T. B. Hedges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23733) granting a pension to William Wildermuth—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 23734) for the relief of the heirs of James King, deceased—to the Committee on War Claims.

By Mr. BURTON of Delaware: A bill (H. R. 23735) for the relief of Charles W. Johnston and of Harry C. Maull and Charles S. Morris, administrator of Elihu J. Morris, his sureties—to the Committee on Claims.

By Mr. CALDWELL: A bill (H. R. 23736) to correct the military record of Charles P. Brace—to the Committee on Military Affairs.

Also, a bill (H. R. 23737) granting an increase of pension to John Purkapile—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 23738) for the relief of the heirs of Louisa Elliott, deceased—to the Committee on War Claims.

By Mr. CAULFIELD: A bill (H. R. 23739) granting an increase of pension to Caroline Land—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23740) granting an increase of pension to George B. Sheridan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23741) granting a pension to Herman J. Wacker—to the Committee on Pensions.

By Mr. CONNER: A bill (H. R. 23742) granting an increase of pension to William Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23743) granting an increase of pension to James S. Lea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23744) granting an increase of pension to Howard Haworth—to the Committee on Invalid Pensions.

By Mr. COUSINS: A bill (H. R. 23745) granting an increase of pension to Samuel M. Edmonds—to the Committee on Invalid Pensions.

By Mr. CRUMPACKER: A bill (H. R. 23746) granting an increase of pension to Charles J. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23747) granting an increase of pension to Green Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23748) granting an increase of pension to John Harrigan—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 23749) granting an increase of pension to Charles C. Eaton—to the Committee on Pensions.

Also, a bill (H. R. 23750) granting an increase of pension to Isaac V. Mossman—to the Committee on Pensions.

Also, a bill (H. R. 23751) granting an increase of pension to James Orr—to the Committee on Pensions.

Also, a bill (H. R. 23752) granting an increase of pension to William Lane—to the Committee on Pensions.

Also, a bill (H. R. 23753) granting an increase of pension to James T. Phillips—to the Committee on Pensions.

Also, a bill (H. R. 23754) granting an increase of pension to Samuel Fox—to the Committee on Pensions.

By Mr. DAVENPORT: A bill (H. R. 23755) granting an increase of pension to David Meredith—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 23756) granting an increase of pension to David W. Rump—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23757) granting an increase of pension to Israel Hait, jr.—to the Committee on Invalid Pensions.

By Mr. ESCH: A bill (H. R. 23758) granting an increase of pension to William Dutcher—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: A bill (H. R. 23759) granting an increase of pension to David S. Brower—to the Committee on Invalid Pensions.

By Mr. FLOYD: A bill (H. R. 23760) granting a pension to Henry F. Watkins—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 23761) granting an increase of pension to John T. Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23762) granting an increase of pension to Joshua O. Beall—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 23763) granting an increase of pension to Alfred A. Hulett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23764) granting an increase of pension to Harrold Tubbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23765) granting an increase of pension to Jacob Yoachum—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 23766) to correct the military record of Francis Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 23767) to correct the military record of Oliver T. Worman—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 23768) granting a pension to Charles Francis Marshall—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 23769) granting an increase of pension to Philander G. Woodworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23770) granting an increase of pension to Everill J. Hills—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 23771) granting an increase of pension to Arthur Gable—to the Committee on Pensions.

Also, a bill (H. R. 23772) granting a pension to Martin J. Tierney—to the Committee on Pensions.

Also, a bill (H. R. 23773) granting a pension to Olaus Anderson—to the Committee on Pensions.

Also, a bill (H. R. 23774) granting a pension to Frank A. Meier—to the Committee on Pensions.

By Mr. HOLLIDAY: A bill (H. R. 23775) granting an increase of pension to Edmond B. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23776) granting an increase of pension to James Clark Hollick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23777) granting an increase of pension to Frank Waters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23778) granting an increase of pension to William H. Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23779) granting an increase of pension to Absalom E. Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23780) granting an increase of pension to Wesley W. Wildman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23781) granting an increase of pension to Francis Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23782) granting an increase of pension to Jasper N. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23783) granting an increase of pension to Edwin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23784) granting an increase of pension to George W. Newell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23785) granting an increase of pension to Reason Husbands—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 23786) granting an increase of pension to Thomas O'Kelly—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 23787) granting a pension to George Stephens, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23788) granting an increase of pension to Solomon Winningham—to the Committee on Pensions.

By Mr. JENKINS: A bill (H. R. 23789) granting a pension to John Dillon—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 23790) granting a pension to Mary E. O'Neil—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23791) granting a pension to Henry F. Short—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23792) granting an increase of pension to John C. Bean—to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 23793) granting an increase of pension to George H. Peck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23794) granting an increase of pension to Robert McGuire—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 23795) granting a pension to Elizabeth Ewert—to the Committee on Invalid Pensions.

By Mr. LOUD: A bill (H. R. 23796) granting an increase of pension to Royal J. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23797) granting a pension to Robert Splane—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 23798) granting an increase of pension to Christian Ankele—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 23799) for the relief of William Francis—to the Committee on War Claims.

By Mr. MADDEN: A bill (H. R. 23800) granting a pension to Wardell Guthrie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23801) granting an increase of pension to Rollin B. Organ—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 23802) for the relief of the heirs of James C. Connor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 23803) granting an increase of pension to Thomas Kanser—to the Committee on Invalid Pensions.

By Mr. MOUSER: A bill (H. R. 23804) providing for the naturalization of Louis Bossing—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 23805) granting an increase of pension to Albert McHenry—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 23806) granting an increase of pension to Joseph Poe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23807) granting an increase of pension to William H. McIntyre—to the Committee on Invalid Pensions.

By Mr. PADGETT: A bill (H. R. 23808) for the relief of Capt. J. W. Hanner—to the Committee on Claims.

Also, a bill (H. R. 23809) granting a pension to Mary J. Broadstreet—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 23810) for the relief of the heirs at law of William Corley, deceased—to the Committee on War Claims.

By Mr. ROBERTS: A bill (H. R. 23811) granting an increase of pension to Joseph Goss—to the Committee on Invalid Pensions.

By Mr. RUSSELL of Missouri: A bill (H. R. 23812) granting an increase of pension to James H. Haney—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 23813) granting an increase of pension to Benjamin F. Owen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23814) granting an increase of pension to Thomas Saul—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23815) granting a pension to Mary C. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23816) granting a pension to Jennie Bowles—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 23817) granting an increase of pension to Samuel J. Jackson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 23818) granting a pension to Ralph G. Tanner—to the Committee on Pensions.

Also, a bill (H. R. 23819) granting an increase of pension to August J. Sunden—to the Committee on Pensions.

By Mr. SWASEY: A bill (H. R. 23820) granting an increase of pension to Hosea B. Fowler—to the Committee on Invalid Pensions.

By Mr. TALBOTT: A bill (H. R. 23821) granting an increase of pension to John E. Buffington—to the Committee on Invalid Pensions.

By Mr. THISTLEWOOD: A bill (H. R. 23822) granting an increase of pension to Kate G. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23823) granting an increase of pension to George W. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23824) granting a pension to Virginia E. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23825) granting an increase of pension to Sarah J. Berry—to the Committee on Invalid Pensions.

By Mr. TIRRELL: A bill (H. R. 23826) granting an increase of pension to Daniel W. Ricker—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 23827) granting an increase of pension to Levi F. Kepler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23828) granting an increase of pension to Henry W. Birkey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23829) granting an increase of pension to James D. Sands—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23830) granting an increase of pension to Joseph T. Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23831) granting a pension to Malinda K. Erlenmeyer—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 23832) granting an increase of pension to Samuel Young—to the Committee on Invalid Pensions.

By Mr. WEBB: A bill (H. R. 23833) granting a pension to Millie Riddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23834) granting an increase of pension to Andrew S. Hicks—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 23835) granting an increase of pension to Edwin V. Graves—to the Committee on Invalid Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 23836) granting an increase of pension to Gilbert H. Tremain—to the Committee on Invalid Pensions.

By Mr. AIKEN (by request): A bill (H. R. 23837) granting a pension to Christopher Williams—to the Committee on Pensions.

By Mr. JONES of Washington: A bill (H. R. 23838) granting an increase of pension to William L. Wommack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23839) granting an increase of pension to Elry P. Parsons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23840) granting an increase of pension to William A. McWhorter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23841) granting an increase of pension to Francis J. D. Wolff—to the Committee on Pensions.

Also, a bill (H. R. 23842) granting a pension to C. A. Bills—to the Committee on Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 23843) granting an increase of pension to George S. Hughes—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 23844) granting an increase of pension to Edward W. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23845) granting an increase of pension to John E. Heppard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 23846) granting an increase of pension to Jacob A. Nonnamaker—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 23848) granting an increase of pension to Henry Van Keuren—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Resolution (H. Res. 452) for the payment of a certain sum of money to Richard H. Meshaw and John W. Meshaw—to the Committee on Accounts.

By Mr. CRAIG: Resolution (H. Res. 453) to pay to J. J. Speight a certain sum of money—to the Committee on Accounts.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Veteran Army of the Philippines, praying for recognition of August 13 as a legal holiday for the soldiers of legal occupation of the Philippine Islands—to the Committee on the Judiciary.

Also, petition of the Trans-Mississippi Commercial Congress, praying for the construction of rivers, harbors, and canals and the improvement of California rivers and harbors and the construction of navy-yards along the Pacific coast and for the encouragement of greater industry and various other enterprises—to the Committee on Rivers and Harbors.

Also, petition of Levi Barber, of Bushnell, Ill., and 10 others, ex-officers of the volunteer forces of the civil war, praying for the enactment of a law for the volunteer retired list—to the Committee on the Judiciary.

Also, petition of the Illinois State Dental Society, praying for the enactment of legislation and creation of a commissioned dental corps in the army—to the Committee on Military Affairs.

Also, petition of John Gee and 14 others, protesting against the passage of a bill entitled "An act for the proper observance of Sunday in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of the Synod of Indiana of the Presbyterian church, praying for the enactment of a law requiring corporations engaged in interstate commerce to give to their employees who work on Sunday a full day of rest during the week—to the Committee on Interstate and Foreign Commerce.

Also, petition of William A. Bastick, of Goodwell, Okla., praying for legislation to enable homesteaders who live on their land in good faith to make a second homestead entry—to the Committee on the Public Lands.

Also, petition of the Synod of Indiana of the Presbyterian Church, praying for legislation to prevent Sunday banking in post-offices and the handling of money orders and registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of H. K. Mosher and 15 others, of Liberal, Kans., remonstrating against the passage of the act for the proper observance of Sunday in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Presbyterian Synod of Kansas, praying for legislation to prevent Sunday banking in post-offices and to provide for Sunday rest of the employees of interstate commerce corporations—to the Committee on Interstate and Foreign Commerce.

Also, petition of the various councils of the Order of the Knights of Columbus, praying for legislation to make the date of discovery of America by Christopher Columbus a legal holiday—to the Committee on the Judiciary.

Also, petition of Augustus May, of New Orleans, La., praying for legislation for the relief of those who took out letters patent—to the Committee on Patents.

Also, petition of the Synod of Illinois, praying for legislation to prevent Sunday banking in post-offices and handling money orders and registered letters—to the Committee on the Post-Office and Post-Roads.

Also, petition of the Spokane (Wash.) Chamber of Commerce, in favor of increasing the salaries of the circuit and district judges of the United States—to the Committee on the Judiciary.

Also, petition of C. A. Teller, of Yauco, P. R., in relation to the proposed legislation conferring citizenship upon the inhabitants of Porto Rico—to the Committee on Insular Affairs.

Also, petition of the general committee of the board of foreign missions of the Methodist Episcopal Church, praying for legislation to suppress the importation, manufacture, and sale of opium, except guardedly for proper medicinal uses—to the Committee on the Judiciary.

Also, petition of the Ohio Valley Improvement Association, praying for legislation to provide for the improvement of the Ohio River—to the Committee on Rivers and Harbors.

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Catherine J. Thomas—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: Paper to accompany bill for relief of Peter Everly—to the Committee on Invalid Pensions.

Also, petition of Smith & Schott Company, of Millersburg, Ohio, favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BOOHER: Petition of United States United Military Telegraphers, favoring legislation to provide pension for the United States Military Telegraph Corps of the United States Army during civil war—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles W. J. Strong (H. R. 23493)—to the Committee on Invalid Pensions.

Also, paper to accompany bills for relief of William F. Pike (S. 807; H. R. 6358)—to the Committee on Pensions.

By Mr. BRODHEAD: Petition of Ebert's Company, of Bethlehem, Pa., favoring the removal of the duty from raw and refined sugar—to the Committee on Ways and Means.

By Mr. BRUNDIDGE: Paper to accompany bill for relief of James King—to the Committee on War Claims.

By Mr. BURKE: Petition of Standard Leather Company, favoring removal of duty on hides—to the Committee on Ways and Means.

By Mr. CANDLER: Paper to accompany bill for relief of heirs of Louisa Elliott—to the Committee on War Claims.

By Mr. CASSEL: Petition of John R. Ebersole and others, against S. 3940 (religious legislation in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. CAULFIELD: Papers to accompany bills for relief of Herman J. Wacker, Caroline Land, and George B. Sheridan—to the Committee on Invalid Pensions.

By Mr. DAWSON: Petition of Local No. 695, International Association of Machinists, of Davenport, Iowa, favoring changes in immigration laws—to the Committee on Immigration and Naturalization.

By Mr. DRAPER: Petition of Squires, Sherry & Galusha, of Troy, N. Y., for removal of duty on sugars—to the Committee on Ways and Means.

By Mr. DWIGHT: Petition of J. C. Stowell and Blackman Brothers, of Ithaca, N. Y., asking for the removal of the duty on sugar—to the Committee on Ways and Means.

By Mr. ESCH: Paper to accompany bill for relief of William Dutcher—to the Committee on Invalid Pensions.

By Mr. FITZGERALD: Petition of Veteran Army of the Philippines, J. G. Harbord, department commander, asking legislation that will permit the Army, Navy, and Marine Corps to observe August 13 as a legal holiday—to the Committee on Military Affairs.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

By Mr. FLOYD: Paper to accompany bill for relief of John W. Hughes (H. R. 12492)—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of James Red (H. R. 21651)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Kelley Murphy—to the Committee on Invalid Pensions.

By Mr. FULLER: Paper to accompany bills for relief of John T. Buker and Joshua O. Beall—to the Committee on Invalid Pensions.

Also, petition of J. B. Hoffman, of Shiloh, N. Y., favoring Fuller bill (H. R. 19250), to create a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Illinois Manufacturing Association, against further legislation against corporations—to the Committee on Interstate and Foreign Commerce.

By Mr. GARNER: Petition of citizens of Lavernia, Tex., against Senate bill 3940, entitled "An act for proper observance of Sunday as day of rest in the District of Columbia"—to the Committee on the District of Columbia.

Also, petition of citizens of Texas, against any parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

By Mr. GRAHAM: Petition of H. N. Patterson and C. N. Patterson, of Sharpsburg, Pa., favoring the Tirrell bill (H. R. 12405) and the Bacon bill (S. 5151), relative to sale of intoxicants, etc.—to the Committee on Alcoholic Liquor Traffic.

Also, papers to accompany bills for relief of Alexander Snodgrass, Alexander Ingram, and Samuel L. Jennison—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: Petition of citizens of Iowa, against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAMLIN: Paper to accompany bill for relief of John L. Norris—to the Committee on Invalid Pensions.

By Mr. HASKINS: Petition of citizens of Worcester, Vt., against Senate bill 3940, entitled "An act for proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

By Mr. HAYES: Petition of A. E. Yoell, for legislation enacting more stringent immigration laws against Asiatics—to the Committee on Immigration and Naturalization.

Also, petition of Board of Trade of San Francisco, for appropriation to continue and enlarge the work by the Bureau of Soils—to the Committee on Agriculture.

By Mr. HINSHAW: Paper to accompany bill for relief of Philander G. Woodworth—to the Committee on Invalid Pensions.

By Mr. HOBSON: Paper to accompany bill for relief of F. A. Meier—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Paper to accompany bill for relief of John W. Wood—to the Committee on Invalid Pensions.

By Mr. HUBBARD of Iowa: Petition of citizens of Sibley, Iowa, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of Rezin W. Hall—to the Committee on Invalid Pensions.

By Mr. KAHN: Petition of F. K. Teele, of San Francisco, Cal., and T. H. Wiltz, favoring an Asiatic exclusion law—to the Committee on Foreign Affairs.

Also, petition of Board of Trade of San Francisco, for appropriation to enlarge and extend work of Bureau of Soils—to the Committee on Agriculture.

By Mr. WILLIAM W. KITCHIN: Petition of Synod of North Carolina, for enactment of H. R. 11805, to prevent Sunday banking by post-offices—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of citizens of Wadena County, Minn., against enactment of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. LINDSAY: Paper to accompany bill for relief of George H. Peck—to the Committee on Invalid Pensions.

Also, petition of citizens of New York City, against the Johnston bill (S. 3940), providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. LOUD: Paper to accompany bill for relief of Royal G. Taylor—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: Paper to accompany bill for relief of Thomas Kansinger—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of heirs of James C. Conner—to the Committee on War Claims.

Also, paper to accompany bill for relief of James Nipper (previously referred to the Committee on War Claims)—to the Committee on Military Affairs.

By Mr. PADGETT: Paper to accompany bill for relief of George W. Brewer—to the Committee on Invalid Pensions.

Also, petition of Pulaski Board of Trade, favoring S. 4825 (establishment of Appalachian and White Mountains National Forest Reservation)—to the Committee on Agriculture.

Also, paper to accompany bill for relief of J. W. Harmer—to the Committee on Claims.

By Mr. PEARRE: Petition of voters of Liberty election district, Maryland, for the Acheson bill (H. R. 4850), giving States control over all liquor commerce—to the Committee on Interstate and Foreign Commerce.

By Mr. PRAY: Petition of Aldrich Local Union, No. 57, for investigation and regulation of the Treadwell Mining Company, of Douglas Island, Alaska—to the Committee on Mines and Mining.

Also, petition of business firms of Havre, Mont., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of Veteran Army of Philippines, for legislation making August 13 a legal holiday, to be known as "Occupation Day"—to the Committee on the Judiciary.

Also, petition of Rear-Admiral H. F. Pickering Naval Garrison, No. 4, of Erie, Pa., favoring retirement of petty officers and enlisted men of the navy after twenty-five years of actual service—to the Committee on Naval Affairs.

Also, petition of Massachusetts Society of Sons of the American Revolution, favoring permanent maintenance of Fort McHenry as a garrison post—to the Committee on Military Affairs.

Also, petition of Engineering Society of the Carolinas, favoring legislation for extension of national forests—to the Committee on Agriculture.

By Mr. ROBINSON: Petition against S. 3940, providing for religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. STAFFORD: Petition of Saengerbund of the Northwest, against amendment of section 3893 of the United States Revised Statutes—to the Committee on Interstate and Foreign Commerce.

Also, petition of Saengerbund of the Northwest, against unjust prohibition legislation—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: Petition of George T. Hughes, for legislation establishing a bureau of health at Washington—to the Committee on Agriculture.

Also, petition of citizens of Minnesota, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. STURGISS: Petition of Pugh & Beavers Grocery Company, of Grafton, W. Va., favoring removal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Samuel J. Jackson—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: Petition of Merrimack Lodge, No. 266, Brotherhood of Railway Trainmen, of Nashua, N. H., for literacy test as a means of restricting the present immigration of cheap labor—to the Committee on Immigration and Naturalization.

By Mr. TIRRELL: Paper to accompany bill for relief of Daniel W. Ricker—to the Committee on Invalid Pensions.

By Mr. VREELAND: Petition of residents of Wellsville, N. Y., against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WASHBURN: Paper to accompany bill for relief of Samuel Young—to the Committee on Invalid Pensions.

Also, petition of citizens of Massachusetts, against Senate bill 3940 (religious observance in the District of Columbia)—to the Committee on the District of Columbia.

By Mr. WHEELER: Petition of Armstrong Grocery Company, of Sharon, Pa., favoring removal of customs duty on sugar—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of Elmer Sholer and 21 other residents of Williamsport; Roy Wilkinson and 74 others, of Sunderlinville; and Grayce Gardner and 21 others, of Galetton, all of the State of Pennsylvania, against the passage of S. 3940, entitled "An act for the proper observance of Sunday as a day of rest in the District of Columbia"—to the Committee on the District of Columbia.

HOUSE OF REPRESENTATIVES.

SATURDAY, December 12, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of yesterday's proceedings was read and approved.

PRIVATE PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, under an order of the House bills on the Private Calendar which would have been in order yesterday were set for consideration on the day following the passage of the legislative bill, but the Committee on Appropriations did its work so perfectly and completely that all that was necessary for the House to do yesterday was to say amen, instead of taking several days in the consideration of the bill, as it frequently does. I now ask unanimous consent to substitute Thursday next for the consideration of the bills on the Private Calendar that otherwise would be in order to-day.

The SPEAKER. Is there objection to substituting Thursday for to-day for pensions under the rule?

There was no objection.

ORDER OF BUSINESS.

Mr. PAYNE. Mr. Speaker, I ask for the regular order.

The SPEAKER. The gentleman from New York demands the regular order. The Clerk will call the committees.

The Clerk proceeded with the call of committees.

The Committee on the Judiciary was called.

UNITED STATES COURTS, CLARKSDALE, MISS.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I desire to call up the bill (H. R. 21736) to provide for holding terms of the United States courts at Clarksdale, Miss.

The bill was read, as follows:

Be it enacted, etc., That the counties of Coahoma, Bolivar, Quitman, Tunica, Sunflower, Tallahatchie, and Leflore shall constitute a part of the northern judicial district of the State of Mississippi and shall be known as the Delta division of said district. Circuit and district courts for the transaction of business pertaining to persons or property in said Delta division shall be held at the city of Clarksdale, in Coahoma County, on the third Monday in June and December in each year, and shall continue for twelve days or so long as business may require.

SEC. 2. That said courts to be held at Clarksdale, as provided in section 1 of this act, shall be possessed of and shall exercise all the powers and jurisdiction now possessed or exercised, or which may hereafter be granted to or exercised, by the circuit and district courts in said district now held at Oxford, Miss., and all laws regulating and defining how suits against persons or property located or found in judicial districts shall be brought shall be applicable to and govern the bringing of suits in said Delta division; and all laws touching the removal of causes from the state courts to the United States courts shall apply to said court hereby established; but all crimes and offenses heretofore committed within the counties composing said Delta division shall be prosecuted, tried, and determined in the same manner and with the same effect as if this act had not been passed.

SEC. 3. That it shall be the duty of the clerks of the courts now held at Jackson, Oxford, and Vicksburg, on demand of either party to any

suit now pending in either of said courts, and properly belonging to the courts to be held at Clarksdale, to make out and certify a copy of the record and proceedings in said suit and transmit the same to the deputy clerk of the proper court at Clarksdale; and he shall enter said cause on his docket, and the same shall be proceeded with as if it had been originally brought in said court. The fee for such transcript shall be paid for by the party applying for same.

SEC. 4. That the marshal and clerk of said northern district of Mississippi shall appoint deputies who shall reside at Clarksdale and act as marshal and clerk in place of their principals: *Provided*, That the Government shall not be subjected to any expense on account of the provisions of this act.

Mr. JENKINS. Mr. Speaker, if no gentleman desires to ask any question about the bill, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

JUDICIAL DIVISIONS IN THE DISTRICT OF INDIANA.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 21898) to provide for the establishment of judicial divisions in the district of Indiana, designating the places where court shall be held, and for other purposes connected therewith.

The bill was read, as follows:

Be it enacted, etc., That the judicial district of Indiana is hereby divided into six divisions, which shall be known, respectively, as the first division, the second division, the third division, the fourth division, the fifth division, and the sixth division of the district of Indiana. The counties of Allen, Dekalb, Steuben, Lagrange, Noble, Elkhart, Kosciusko, Wabash, Miami, Huntington, Whitley, Wells, Adams, Blackford, and Jay shall constitute the first division, and the court for said division shall be held at Fort Wayne, Ind. The counties of Lake, Porter, LaPorte, St. Joseph, Marshall, Starke, Fulton, Pulaski, Carroll, White, Jasper, Newton, Benton, Tippecanoe, and Warren shall constitute the second division, and the court for said division shall be held at Hammond, Ind. The counties of Vanderburg, Posey, Warrick, Spencer, Perry, Dubois, Pike, Gibson, Knox, Daviess, and Martin shall constitute the third division, and the court for said division shall be held at Evansville, Ind. The counties of Floyd, Harrison, Crawford, Orange, Washington, Clark, Jackson, Scott, Jennings, Jefferson, Ripley, Ohio, and Switzerland shall constitute the fourth division, and the court for said division shall be held at New Albany, Ind. The counties of Sullivan, Greene, Lawrence, Vigo, Clay, Vermillion, and Parke shall constitute the fifth division, and the terms of court for said division shall be held at Terre Haute, Ind. The remaining counties embraced in said district shall constitute the sixth division, and the terms of court for said division shall be held at Indianapolis, Ind.

SEC. 2. That the terms of said courts shall be held: In the first division, at Fort Wayne, Ind., on the first Monday in May and the third Monday in November of each year; in the second division, at Hammond, Ind., on the third Monday in April and the first Monday in November in each year; in the third division, at Evansville, Ind., on the third Monday in March and the first Monday in October of each year; in the fourth division, at New Albany, Ind., on the first Monday in March and the third Monday in September of each year; in the fifth division, at Terre Haute, Ind., on the first Monday in April and the third Monday in October of each year; in the sixth division, at Indianapolis, Ind., on the third Monday in May and the first Monday in December of each year: *Provided, however*, That if a trial is in progress in either of the divisions aforesaid at the time when the term of court in either of said other divisions is to begin, then the court shall continue in session in said first-named division until said case is disposed of.

SEC. 3. That all civil suits not of a local nature which shall be hereafter brought in said district against a single defendant, or where all the defendants reside in the same division of said district, shall be brought and tried in the division in which the defendant or defendants reside; but if there are two or more principal defendants residing in different divisions, such suit or proceeding may be brought and tried in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in any or all of said divisions.

SEC. 4. That in all cases of removal of suits and proceedings from the courts of the State of Indiana to the courts of the United States in said district, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts in such division.

SEC. 5. That prosecutions for crimes or offenses hereafter committed in said district shall be tried within the division in which such crimes or offenses are committed, and all grand and petit jurors summoned for service in any division shall be residents of such division.

SEC. 6. That all civil suits and proceedings now pending in the circuit or district courts of said district which would, if instituted after the passage of this act, be required to be brought or tried in any particular division thereof, shall be transferred to such division and there disposed of in the same manner and with like effect as if the same had been there instituted; and all process, writs, and recognizances relating to such suits and proceedings so transferred shall be considered as belonging to the terms of the court in the divisions of said district in which they are tried, in the same manner and with like effect as if they had been issued or taken in reference thereto originally.

SEC. 7. That full records in all actions and proceedings in any division shall be kept in the office of the clerk in such division, and that the clerk of the district and circuit courts for the district of Indiana and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts; and said clerk and marshal shall appoint deputies in each of said divisions in which a deputy clerk and deputy marshal does not already reside, who shall reside in and keep their offices at the place of holding court in each of said divisions.

SEC. 8. That all acts and parts of acts inconsistent herewith are hereby repealed.